

THE MARSH NEIGHBORHOOD CONSERVATION DISTRICT

FINAL STUDY REPORT

SUBMITTED TO THE CAMBRIDGE HISTORICAL COMMISSION
BY THE MARSH NEIGHBORHOOD CONSERVATION DISTRICT STUDY
COMMITTEE

WILLIAM B. KING, CHAIR

ALLISON CRUMP

KATHLEEN GOODWIN

BRUCE IRVING

ANNE LOWELL

MARY RIES

THOMAS WALES

REPORT BY SARAH ZIMMERMAN

PRESERVATION PLANNER, CAMBRIDGE HISTORICAL COMMISSION

CAMBRIDGE HISTORICAL COMMISSION
831 MASSACHUSETTS AVENUE,
CAMBRIDGE MA 02139

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The Marsh Neighborhood Conservation District Study Report Executive Summary

The Marsh Neighborhood Conservation District (NCD) Study was initiated by petition of 70 registered voters living in and around the Marsh neighborhood. The NCD petition responded to neighborhood concerns about four applications for demolition permits filed for houses in the neighborhood in the 18 months between September, 1997 and March, 1999. The Cambridge Historical Commission held a public hearing on June 24, 1999 to review the petition and voted at that hearing to accept the petition and to initiate study of the NCD.

In voting to accept the NCD petition and initiate an NCD study, the Historical Commission recognized:

- the uniqueness and significance of the historic development patterns and architecture of the Marsh neighborhood;
- the increased threat of change to neighborhood character posed by the number of demolition permit applications forthcoming from the area; and
- the desire, evidenced by the number of petitioners, of residents to investigate ways of protecting and conserving their neighborhood from inappropriate change.

The Historical Commission interviewed nominees to serve on The Marsh NCD Study Committee through the summer of 1999. When additional candidates made themselves known in early fall, 1999, the interviews were reopened, delaying the appointment of a study committee until December, 1999.

Between January and May, 2000, the Marsh NCD Study Committee held 16 public meetings to conduct its investigation. The Committee's meeting schedule and agenda and a series of informational mailings were sent to all property owners informing them of the Study Committee's work. Four informational meetings were held in residents' homes in early April when the major elements of the Study Committee's proposed order had been developed.

In late April, all property owners were sent copies of the draft NCD order for comments and in early May, the Study Committee held a public informational meeting to discuss the draft. Following that, a postcard straw poll solicited the neighborhood's support or opposition to the proposal as drafted. Of those responding, 58% favored establishing a Marsh NCD and 42% opposed it. The Study Committee voted to forward its report to the Historical Commission on June 8, 2000.

The Study Committee's investigation determined the following:

- The Marsh contains a distinctive grouping of mid- to late-19th-century workers' housing, along with important examples of 18th-, late 19th- and early 20th-century single and multiple-family housing, and the city's only frame school (Lowell School, 1883; James Fogerty]
- The Marsh comprises the city's most cohesive surviving collection of early

workers' housing with 53% of the Marsh's 145 buildings constructed between 1849 and 1875;

- Historically, the Marsh tells an important story of how Irish families established themselves in the city, creating a working class village in the marshy lowland at the fringe of an affluent suburban enclave;
- Houses in the Marsh, set close to one another on short, densely-developed streets and ways, are architecturally modest and highly susceptible to alterations that can diminish their vernacular qualities and impinge on neighboring properties;
- Zoning reviews cannot address the architectural impacts of alterations on the character and quality of the Marsh's distinctive development patterns and many non-conforming buildings.

Major elements of the proposed NCD order are as follows:

- somewhat reduced boundaries that eliminate two condominium complexes at 221 and 205 Mount Auburn Street (exterior alterations largely controlled by condo by-laws) and two private residences (17 and 21 Lowell Street, modern houses in peripheral location);
- membership qualifications increased to seek additional expertise in landscape architecture, urban planning, law, or geotechnical engineering (water table effects a particular concern of owners);
- review of all construction, demolition or alteration that affects exterior architectural features visible from a public way to be binding, except as exempted;
- grade-level terraces and non-front yard parking exempt from review;
- walls and fences 4' tall or less exempt from review;
- storm windows, window air conditioners, chimney caps, and skylights and vents under certain sizes exempt from review;
- permanent exterior lighting that does not shine onto adjacent property exempt from review;
- Marsh NCD Commission to take proactive role with governmental agencies to conserve neighborhood character;
- ordinary maintenance, repair and replacement; landscaping not subject to review;
- Cambridge Historical Commission to review and report on Marsh NCD activities no later than four years from establishment of Marsh NCD.

Citing concerns that neighborhood residents were not sufficiently aware of the study committee's conclusions, the Historical Commission voted on June 26 to terminate the public hearing scheduled on that date for consideration of the Preliminary Report. Based on an opinion provided by the Law Department, the Commission then voted to initiate a new NCD study with the boundaries recommended in the Preliminary Report of June 8 and using the review criteria of the Half Crown NCD. The Commission confirmed the June 26 vote at a public hearing on August 3 and requested the City Manager to appoint a study committee and directed the staff to prepare a report in

consultation with the committee. A Study Committee was appointed by the City Manager and the Committee has met twice. The Committee has been assisted in its works by an Advisory Committee of six neighborhood residents who in August, September and October canvassed the neighborhood to inform individual residents and gather feedback. Based on the concerns expressed, the Committee has added a focus on traffic impacts on the neighborhood. On October 19, the Committee voted to submit the Study Report on the second NCD proposal to the Cambridge Historical Commission for its recommendation.

Map

THE MARSH NEIGHBORHOOD CONSERVATION DISTRICT STUDY REPORT

Executive Summary

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I. Background: Initiating The Marsh Neighborhood Conservation District Study Process

A. Introduction

The Marsh Neighborhood Conservation District study grew out of neighborhood concern over the filing of demolition permit applications for four neighborhood houses over a 1½-year period between September, 1997 and March, 1999. The properties proposed for demolition were 193-195 Mount Auburn Street, 19 Willard Street, 5 Sparks Street, and 106 Foster Street. Demolition review hearings were held on 19 Willard Street, 5 Sparks Street and 106 Foster Street.¹

With the exception of 106 Foster Street (which was relocated to comply with zoning), applicants cited the modest architecture and structural damage caused by the area's marshy subsurface soil conditions as justification for the property's removal. The presentation of four demolition permits in a small geographic area and in quick succession reflected the pressures of a very strong real estate market which exposed the vulnerability of smaller, out of repair buildings whose land values had increased substantially. Residents became alarmed that new construction could begin to replace the neighborhood's simple 19th-century cottages.

Of the four demolition permit applications, three were ultimately withdrawn. The Sparks and Mount Auburn street projects have not gone forward and 19 Willard Street is being renovated according to plans reviewed by the Historical Commission. The 106 Foster Street property was relocated and enlarged as of right. While the threatened loss of these buildings has not materialized, the potential for significant changes, through demolition or substantial renovation, has not diminished.

B. Preliminary Discussions with Marsh Area Property Owners

A group of Marsh property owners approached the Historical Commission staff about developing a petition for a neighborhood conservation district in the spring of 1999. In April, fourteen residents submitted a petition to initiate a neighborhood conservation district study for the area bounded by Willard, Foster, Lowell and Mount Auburn streets, and including only the south side of Foster Street. Consideration of the petition was scheduled for a public hearing before the Historical Commission on May 6, 1999.

At the May hearing, the Commission heard testimony from several residents in support of the petition but voted to continue deliberation on the petition until June 3 because many petitioners had not been able to attend. The Commission also affirmed

¹ Under the terms of the Demolition Delay ordinance of the City (Article II, Chapter 2.78), moving a 50-year or older building (which was the proposal for 106 Foster Street) constitutes demolition and can initiate a hearing process before the Historical Commission.

the potential of an NCD to address the pressures bearing on The Marsh and directed the staff to contact the petitioners to further develop the proposed petition.

Further testimony in support and, from an owner at The Riverview condominiums at 221 Mount Auburn Street, in opposition, was heard on June 3, 1999. At that time, the Commission voted to continue consideration of the petition to the June 24 meeting to allow further refinement of the proposed boundaries.

On June 10, 1999, the Historical Commission staff walked through the neighborhood with a dozen residents to determine possible boundaries for the study. Based on the neighborhood's historical development and the visual and architectural continuity of aspects of the area, the staff recommended the petition be revised to take in the area encompassing the west side of Willard Street; Brown Street north of Foster Street to the rear boundary of the Old Cambridge Historic District; the north and south sides of Foster Street west to Sparks Street; the south side only of Foster Street west to Lowell Street; the east and west sides of Lowell Street south of #15 Lowell Street and the north side of Mount Auburn Street (see attached map).

Petitions for an NCD study based on the revised boundaries were presented from 69 signatories at the June 24, 1999 continuation and accepted for study by the Historical Commission by a unanimous vote. The lead petitioners, City Clerk, City Manager, Commissioner of Inspectional Services and all property owners and abutters to the study area were notified of the vote which initiated the study of The Marsh NCD as of June 24, 1999.

C. Appointment of The Marsh Neighborhood Conservation District Study Committee I

Over the summer of 1999, the Commission distributed press releases and an informational mailing to all property owners in the study area soliciting participation on the study committee. The staff of the Commission interviewed 11 respondents in August, 1999 and had prepared a list of candidates to forward to the City Manager in September, 1999 when additional candidates came forward. The staff interviewed 13 candidates in total and presented the City Manager with a list for possible appointment in early November, 1999. It was the staff recommendation that all four non-Historical Commission members of the Committee be property owners in the study area.

In December, 1999, the City Manager appointed The Marsh NCD Study Committee as follows: Allison Crump (CHC), Kathleen Goodwin (60 Foster Street), Bruce Irving (CHC), William King (CHC), Anne Lowell (88 Foster Street), Mary Ries (15 Willard Street), and Thomas Wales (24 Bradbury Street). The Study Committee began meeting on January 11, 2000 and elected William King chair.

D. Preliminary Neighborhood Meetings

Delays in constituting the study committee over the fall of 1999 postponed the start of the study process. To initiate neighborhood discussion on the issues that would confront the study committee, the Historical Commission staff held two informational presentations in December, 1999. Charles Sullivan, Executive Director, presented an overview of the topographical and historical development of The Marsh. Sally Zimmerman, Preservation Planner, showed a series of slides of the neighborhood to illustrate its salient characteristics. Members of the audience were asked to comment on the architectural and urban design characteristics of the neighborhood. Twenty-six neighborhood residents attended the meetings. The comments received are listed below and were later used in a poll sent to all property owners asking them to rank the relative importance of the neighborhood characteristics identified in December.

Neighborhood Comments on Architectural/Design Character

(given by attendees of informational meetings held on December 16 and 22, 1999 at the New School of Music, 25 Lowell Street)

Architectural Character

- clapboards
- fences
- small scale
- separate garage buildings
- different styles
- 2-3 story houses
- additions
- double hung windows
- artificial siding
- high basements
- bay windows
- few flat roofs
- old (75-100+ years)
- inconsistent architecturally (and consistent architecturally!)
- motley
- workers' cottages that have been altered
- garages inserted between houses
- gable houses
- very simple
- Greek Revival
- wood frame
- traditional houses individualized by later owners

Design Characteristics

- spaces between houses as (or more) important than individual houses
- fences are too high/block views of gardens

fences have changed neighborhood over last 30 years/divide
 openness
 houses are close to street/have small setbacks/establish
 important relationship to street
 sense of modesty
 river's proximity gives sense of spaciousness
 many street trees
 much greenery/visible gardens
 owners make "contributions" to street
 plantings are sophisticated
 vistas through neighborhood are tight/enclosed
 open space/air space has been/is being encroached upon
 sense of community is unified and strong
 community character is respected
 individual expression is allowed
 cul-de-sacs and courtyards are common
 single family houses are mixed in with multi family
 new construction has been in traditional styles
 houses are well kept
 area is gentrified
 area is humble
 fences and greenery are seen from pedestrian ways
 lots are small
 lack of building sites
 off street parking is limited
 notice areas with or without brick sidewalks
 character is eclectic

E. Completing Marsh NCD Study I and Initiating Marsh NCD Study II

Citing concerns that neighborhood residents were not sufficiently aware of the study committee's conclusions, the Historical Commission voted on June 29 to terminate the public hearing scheduled on that date for consideration of the Preliminary Report. Based on an opinion provided by the Law Department, the Commission then voted to initiate a new NCD study with the boundaries recommended in the Preliminary Report of June 8 and using the review criteria of the Half Crown NCD. The Commission confirmed the June 26 vote at a public hearing on August 3 and requested the City Manager to appoint a study committee and directed the staff to prepare a report in consultation with the committee. The existing Study Committee was appointed by the City Manager and has met three times.

The Committee has been assisted in its work by an Advisory Committee of six neighborhood residents who in August, September and October canvassed the neighborhood to inform individual residents and gather feedback. The Advisory Committee members were Dorothy Altman, Barbara Ackermann, Bernard Burke, Pat Pratt, Barbara Sullivan, and Woody Tucker. Based on the concerns residents

expressed to the Advisory Committee, the Study Committee has added a focus on traffic impacts on the neighborhood. On October 19, the Committee voted to submit the Study Report on the second NCD proposal to the Cambridge Historical Commission for its recommendation.

F. Map

II. The Marsh Neighborhood Conservation District Study

A. Introduction

As stated in Chapter 2.78, Article III, the study committee's mandate is to 1) investigate and report on the historical, architectural and other relevant significance of the proposed NCD, 2) to recommend boundaries for the proposed NCD, and 3) to recommend the specific standards and appropriate criteria to be applied in making determinations in the NCD once designated. The Marsh NCD study took place over the winter and spring of 2000.

The study committee met on January 11, 2000 at the office of the Historical Commission to establish a meeting schedule and receive an overview of their statutory responsibilities. Thereafter, the study committee met every second and fourth Tuesday at the Friends' Meeting House, 5 Longfellow Park from 5:30 – 7:00 PM; all property owners received notice of the meeting schedule and planned agenda topics and were encouraged to attend (see Appendix 2, Public Meetings and Attendance). Additional meetings took place on Sunday, February 13 (walking tour) and April 10, 11, 12, and 13, when a series of informal, informational meetings were held in the evening in various homes and at the Friends' Meeting House. A general public informational meeting was held May 9 at the Friends' Meeting House.

Progress reports mailed regularly to property owners in the study area and posted on the Historical Commission's web site informed the public of the committee's work as it developed (see Appendix 3, Mailings to Property Owners).

The NCD Study concluded in June with the issuance of the Committee's Preliminary Study Report on June 8. A public hearing was scheduled for June 29, five days after the one-year anniversary of the Historical Commission's vote to accept the study petition for the Marsh NCD. That hearing was terminated in response to neighborhood concern that the abbreviated nature of the study (which resulted from delays in appointing the first committee) had not allowed a sufficient understanding of the proposal in the neighborhood.

On June 15, a group of neighbors requested an extension of the study. Following an opinion from the city's Law Department clarifying the Historical Commission's authority in this matter [see Appendix], the Historical Commission voted on June 29 to initiate a second study of the Marsh NCD. It was the Commission's expectation that the study would be completed by December, 2000 and would build on the previous study's conclusions.

A Study Committee reconstituting the prior committee membership was appointed on July 19. The Committee met on August 22 and October 19 and on October 19, voted to forward a Preliminary Report for the second Marsh NCD study to the Cambridge Historical Commission for its consideration at a public hearing to be held November

16, 2000. The Committee took its vote based on the results of the Advisory Committee's canvass of the neighborhood which indicated general support for the proposal.

B. Planning Issues Affecting The Marsh

1. Current Zoning and Existing Conditions

The Marsh NCD Study Area contains approximately 147 buildings in four zoning districts. The largest area of the four is zoned Residence B and is located west of Sparks Street between Foster, Lowell and Mount Auburn streets. A narrow 100-foot wide strip along Mount Auburn Street on the block between Sparks and Willard streets is zoned Residence C-2. North of that strip, the remainder of the block, from Dinsmore Court and the back of the Riverview apartments north to Foster Street, is zoned Residence C-1. The remaining component of the study area, the section north of Foster Street between Sparks and Willard streets, is zoned Residence A-2.

The current zoning illustrates the complexity and fine-grained texture of the historical development patterns of the Marsh. The underlying zoning ranges from less restrictive (C-2) to more restrictive (A-2) meaning that, despite a certain uniformly-dense, small-scale residential appearance, the neighborhood faces different development challenges within each zoning "microcosm." The differing standards of each zone are outlined below.

Residence A-2

The Residence A-2 section of the Marsh contains 35 houses (24% of the total buildings in the study area) at the northeast corner of the study area. It is part of a larger A-2 zone that extends along the south side of Brattle Street between Ash and Sparks streets and has been zoned consistently with the larger lots and houses of Brattle Street since zoning was established in 1924. The Residence A-2 zone is the second most restrictive zoning district in the city. It is intended to protect areas with larger dwellings on larger lots and in single family use.

Dwellings in the A-2 may be converted from the allowed single-family residential use to two-family use provided no exterior changes are made to achieve the change. Accessory apartments may be created in the A-2 by Special Permit of the Zoning Board and only if certain conditions are met: the dwelling must contain at least 3500 square feet of floor area, the lot must contain at least 3000 square feet of lot area for each dwelling unit, the accessory apartment may not occupy more than 35% of the gross floor area of the principal dwelling, and any increase in floor area cannot exceed the allowable floor area ratio (or FAR)² for the A-2 zone.

² The floor area ratio (or FAR) is a measure of how intensively a lot may be built upon. The FAR of a building is calculated by dividing the square footage (or gross floor area) of the building by the square footage of the lot; parking areas, building mechanical systems, and certain other areas are excluded from the floor area of a building.

Only two properties (10 and 11 Brown Street) have sufficient existing and additional allowable floor area to allow creation of an accessory apartment as of right.

Within the A-2 zone, the following development standards apply: the maximum allowable FAR is .5, the minimum lot size is 6000 square feet, the minimum lot area for each dwelling unit is 4500 square feet, and the maximum height is 35 feet. Yards must contain a minimum of 50% usable open space, front setbacks must be at least 20 feet, rear setbacks at least 25 feet, and side setbacks at least 10 feet.

Of the 35 A-2-zoned houses in the study area, only two properties conform to the minimum lot size. An additional 26 properties exceed the allowable FAR: four of those properties have between 500-1000 square feet of excess floor area and an additional 4 exceed the floor area limit by 1000-2000 square feet. Other properties can be expected to be non-conforming in other dimensional requirements. The non-conformity of such a large number of buildings probably reflects the expectation of the zoning code's original framers that the neighborhood might be redeveloped along lines more consistent with houses in the rest of the zone on Brattle Street.

Residence B

The city's zoning guide calls the Residence B zone a two-family and townhouse district. The Residence B zone of which the study area is a part extends west of the study area to just past Channing Street and was downzoned from Residence C-1 in 1960. The majority of the study area's buildings, approximately 79 dwellings (54%), are zoned B, which allows single and two-family residential use and by Special Permit of the Planning Board, congregate housing for the elderly. Though not allowed by current zoning, the apartment complex at Gibson Terrace (38 Gibson Street) and the Harvard married students' housing on Shaler Lane are both included in the zone, with grandfathered multiple-family uses. The Shaler Lane property is considered a residential use and is treated as a townhouse under the Residence B zone.

The maximum allowable FAR in the B zone is .5, the minimum lot size is 5000 square feet, the minimum lot area for each dwelling unit is 2500 square feet, and the maximum height is 35 feet. Yards must contain a minimum of 40% usable open space; front setbacks must be at least 15 feet, with 7.5 foot side setbacks, and 25 foot rear setbacks.

Only 15 buildings in the study area meet the minimum lot size. The large majority of the buildings (73%) exceed the allowable FAR for the zone. Of those properties, 26 (28%) exceed the FAR slightly (by less than 500 square feet), 20 (22%) have between 500 and 1000 square feet of excess floor area, 7 (8%) have 1000-3000 square feet of excess floor area and 3 grossly exceed the floor area standard with more than 3000 square feet of floor area in excess of the allowable. Additional nonconforming conditions with regard to setbacks (especially side and rear yard setbacks) are evident on many, if not most, of the property in the study area.

Residence C-1

There are 25 structures zoned Residence C-1 in the study area (17% of the total buildings in the Marsh). These include a number of 19th-century double houses which are counted as individual units as they are now in separate ownership.

The Residence C-1 zone is a multi-family residential zone, allowing greater density and single, two- and multi-family uses, as well as transient accommodation residential use as a tourist house in an existing dwelling, certain institutional uses (subject to the Institutional Use Regulations of the Zoning Code, section 4.5), and by Special Permit of the Zoning Board, art/craft studio uses in existing non-residential buildings.

Within the C-1 zone, the following development standards apply: the allowable FAR is .75; the minimum lot size is 5000 square feet; the minimum lot area per dwelling unit is 1500 square feet. Properties must have a minimum of 30% usable open space. Side and front yard setbacks are established by a formula of the development which is equal to the height plus the length of the building divided by five ($H+L/5$); rear setbacks are set by a formula with a minimum of 20 feet plus one foot for each four feet of the lot that exceeds 100 feet in depth, to a maximum of 30 feet. The height limit in the C-1 zone is 35 feet.

In the C-1 zoned section of the Marsh study area, only 4 of the 25 lots meet the minimum lot size. Twelve properties are below the allowable FAR; most of the remainder exceed the allowable FAR only slightly, but five properties exceed the FAR by more than 25%. Nonconforming setback dimensions appear to be common to a number of the properties.

Residence C-2

The highest density zoning district in the study area is the one-block long section of Mount Auburn Street between Willard and Sparks streets. Zoned Residence C-2, the area, which contains 8 dwellings (6% of the total buildings in the study area), allows for multi-family and certain transient accommodation residential uses, along with a limited number of institutional uses. Use as a private parking lot is allowed by Special Permit of the Zoning Board.

The major distinction of the zone is the allowable density, which is an FAR of 1.75. Other dimensional requirements also promote much higher density in the C-2 zone; these include a minimum lot area per dwelling unit of only 600 square feet and a minimum usable open space requirement of 15%. The zone also carries a much higher height limit of 85 feet or roughly eight stories. Setback requirements are as outlined in the C-1 zone: a minimum of 20 feet and maximum of 30 feet for the rear setback with the formula that each four feet of the lot that is over 100 feet in depth adds one foot to the 20 foot minimum. The side-yard setbacks are set by the formula of the height plus the length of the building divided by five ($H+L/5$).

The Riverview condominiums [*excluded from the Marsh II study*] represent the maximum “build-out” of the C-2 zone. The building at 205 Mount Auburn Street [*excluded from the Marsh II study*], also in condominium ownership, currently exceeds

its allowable FAR by 233 square feet. The mansard houses at 185, 191, 195, and 199 Mount Auburn Street and the properties behind those buildings at 35 Willard and 4-6, 8-10, and 12-14 Dinsmore Court are all possible locations for more intensive development to meet the allowable terms of the C-2 zone.

The Historical Commission received an application for a demolition permit for 193-195 Mount Auburn Street in early 1997, which was scheduled for a public hearing in May, 1997 but was withdrawn by the owner; after a second hearing was scheduled for September, 1997, the application was again withdrawn. While the Commission never formally reviewed the case, the case indicates an interest in further development in the C-2 zone.

Nonconformity and the Zoning Code

Given the large number of nonconforming buildings in the Marsh study area, particularly in the A-2, B and C-1 zones, it is important to understand how the zoning code handles such cases. In most instances, alterations or construction of nonconforming existing buildings will require the issuance of a variance before a building permit can be obtained. Chapter 40A of the Massachusetts General Laws, the zoning enabling statute, establishes a stringent definition of hardship as the sole basis for issuance of relief from the applicable zoning.

Chapter 40A states that a variance may be granted by the permitting authority where the authority (which in Cambridge is the Board of Zoning Appeal) finds that:

owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the ordinance . . . would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance . . .

Thus, in the legal standard for granting a variance, a “substantial hardship, financial or otherwise” must be present in the conditions of the land or structure in question, must not be a general condition of the zone, and must be capable of being granted without detriment to the public good or derogation of the intent of the ordinance. In practice, variances are sometimes granted in cases that may not strictly meet the hardship test but where all the affected abutters support granting the relief.

While alteration to nonconforming property generally requires a variance, certain exceptions to this requirement are contained in Section 8 of the Zoning Ordinance. Among its provisions, Section 8 allows the issuance of a building permit *without* a variance where conforming alterations are proposed for existing buildings that are nonconforming in lot size, lot width, or parking, or that are not to be increased in area or volume by more than 10%. Demolition that reduces a nonconformity and repairs, reconstruction, or replacement of nonconforming portions of a building are also

allowed without a variance. Under limited circumstances, construction of dormers in the vertical plane of the building and less than 15 feet in length are also allowed without a variance.

C. Summary of Building Permits and Zoning Relief

1. Building Permit Activity (1999-2000)

During the first interim study period (6/24/99 – 6/23/00), a total of 21 building permit applications were presented for review by the Historical Commission. In the interim of the study, properties in the proposed NCD are protected as if they were already designated; for the purposes of The Marsh study, the terms of review for the Half Crown NCD were applied to The Marsh.

Ten applications (48%) did not involve work which required a hearing before the Commission and they were immediately issued Certificates of Non-Applicability by the Commission staff. The other 11 applications (52%) were subject to review by the Historical Commission. Of these cases, 9 were approved, 1 was denied as inappropriate and 1 was withdrawn. The content of the cases is summarized in the following table.

Recent Building Permit Activity in The Marsh (6/24/1999 – 5/25/2000)

<i>Case #</i>	<i>Address</i>	<i>Scope of Work</i>	<i>Type of Certificate Issued</i>
935	19 Willard Street	Demolish house; construct new house	CoA Binding
942	59 Foster Street	Renovate garage as kitchen; construct addition	CoA Binding
943	38 Bradbury Street	Add dormers; change steps, windows; rebuild addit.	CoA Non-binding
950	3 Sparks Place	Replace roofing to match existing.	Nonapplicability
951	10 Foster Place	Interior renovations for new bathroom.	Nonapplicability
959	18 Maynard Place #1	Interior renovations for kitchen and bath.	Nonapplicability
967	7 Sparks Street	Widen curb cut; alter driveway	CoA Non-binding
974	17 Brown Street	Add dormer, rebuild stairs, porch	Application withdrawn
979	106 Foster Street	Install vertical-lifting gate at driveway	Denial-not binding
987	6 Kenway Street	Remove siding; build dormers, balcony; replace w/s	CoA Binding
989	28 Foster Street	Metal chimney - old chimney already been removed.	Nonapplicability
992	14 Foster Street	Wood stove; stack installed in roof. No trim affected.	Nonapplicability
994	7 Brown Street	Repairs; change windows; reconstruct porch	CoA Binding
1003	17 Brown Street	Rebuild stair tower; window and door changes	CoA Non-binding
1005	9 Doane Street	Construct addition for bathroom; remove rear steps	CoA Binding
1014	19 Lowell Street	Alter porches; window changes; addition not visible	CoA
1017	9 Camden Place	Door & window changes in loc. not visible from p.way	Nonapplicability
1023	7 Camden Place	Interior renovations of bath.	Nonapplicability
1027	63 Foster Street	Reroof; replace sash--casings & trim remain in place.	Nonapplicability
1029	7 Camden Place	Change door to window in loc. not visible from p. way	Nonapplicability

By the terms of the proposed order for The Marsh NCD, 15 (71%) of the cases heard over the interim protective period would be subject to the binding review of a Marsh NCD Commission. Six (28%) would have been found non-applicable and approved by the staff.

During the second interim protection period (6/29/00-6/29/01), four additional cases had been heard by November 1, 2000 and one was pending. These included: 63 Foster Street (construction of an addition, Certificate of Appropriateness granted, binding); 106 Foster Street (construction of a garden shed, Certificate of Appropriateness granted, binding); 20 Maynard Place (dormer construction not visible; Certificate of Non-Applicability issued); 17 Willard Street (window alterations, Certificate of Appropriateness issued, binding). The small sample of cases corroborates the percentages seen in the first interim protection period: under the terms of the proposed NCD order, approximately one-quarter would be found non-applicable and three-quarters would be subject to binding review.

2. Zoning Relief Applications (1924-1999)

Since the inception of zoning in Cambridge in 1924, there have been 122 applications for zoning relief in the Marsh study area. Of these, 87 (71%) were granted outright; 9 (7%) were granted with conditions attached to the variance; 19 (16%) were denied, and the remaining 7 (6%) cases were withdrawn or never heard. A summary of the cases by decade is listed below.

Zoning Relief History: Marsh NCD Study Area

<i>Decade/Total Cases</i>	<i>Type of Relief Sought</i>	<i>Percentage Granted</i>
1920s/4	erect garage/stores/apts.	100%
1930s/8	construct addition; change business use	75%
1940s/4	construct addition; change business use	50%
1950s/15	construct addition; change business use; convert accessory building to residential use	66%
1960s/21	construct addition; change business use; convert accessory building to residential use	72%
1970s/19	construct addition; subdivide lot; create apartment	89%
1980s/17	construct addition; convert accessory building to residential use; subdivide; park in front setback	65%
1990s/34	construct addition; park in front setback; reconstruct	85%

Not surprisingly, requests for zoning relief have paralleled periods of economic prosperity and have increased in recent history. The growth in interest in the Marsh study area as a residential neighborhood can be seen in the increase in requests for zoning relief for constructing additions and subdividing lots beginning in the 1950s and continuing through the 1970s.

By the 1980s, most lots had been subdivided but construction of additions remained significant, joined by requests for front yard parking as density increased. The trend toward increasing floor space has strengthened in the 1990s; the increased frequency of variance requests no doubt reflects the extent to which the neighborhood was reaching or had exceeded allowable build-outs. Front yard parking continued to be sought as alternatives for parking diminished and numbers of cars per household increased.

The zoning and building permit activity in the Marsh study area suggests the following:

- a high percentage of lots and buildings in the study area are nonconforming;
- the nature of nonconformity in the Marsh is complex and multi-faceted;
- the zoning build-outs do not reflect the architectural and historical uniformity and patterns of the neighborhood's development;
- with four separate zoning districts in the study area, zoning build-outs will tend to fragment the historic character of the neighborhood;
- with the exception of the section zoned C-2, the potential for infill construction or redevelopment appears to be low;
- proposals for expansion or new construction are likely to trigger applications for zoning relief;
- expansion or new construction allowed by variance will not include consideration of historic or architectural impacts;
- addressing the aesthetic and quality of life impacts of alteration or new construction on the Marsh neighborhood would require case by case consideration based on the specific conditions of the proposal and its surrounding context.

3. Status of The Riverview Complex

Inclusion in The Marsh NCD Study I

Early in the first NCD study, the Trustees of the Riverview-in-Cambridge Condominium Trust formally requested that "all real property and land owned and controlled by the Condominium Trust be specifically excluded from designation" for the following reasons as stated in an August 19, 1999 letter to the Historical Commission:

- . . . the Riverview Condominium Trust property, developed in the 1960s, cannot presently be considered as contributing, in a historic sense, to the neighboring built environment. The Riverview property is quite separate and distinct from the surrounding neighborhood. Moreover, the Riverview Condominium is governed by a set of strict internal rules making any change in physical

appearance or development of the site an onerous undertaking which the Trust has no intent to pursue . . .

Based on neighborhood memories of the redevelopment of the property by the Cambridge Redevelopment Authority (CRA) under Urban Renewal (which indicated that open space on the project might have been conditioned to require access by the public, which is not currently accessible) and on evidence in the assessor's records that lot 177 remained in CRA ownership, as well as a lack of information about the development potential of lot 177 (which is in the C-1 zone) and its possible impacts on the neighborhood as a whole, it was determined to proceed with the first study as indicated in the Commission's original vote, i.e., with the Riverview property included.

Overview

From the outset of discussions concerning a possible Marsh NCD, the status of the two parcels identified as lots 165 and 177 of assessor's map 220 has been unclear. The two parcels occupy a total of 101,275 square feet at the corner of Sparks and Mount Auburn streets. The lots contain several structures, including an 8-story high-rise building at 221 Mount Auburn Street and a low-rise townhouse building at 28 Bradbury Street, both built in 1962-63; a large parking lot for The Riverview complex; and a fenced garden area.

While it is evident that the buildings of The Riverview complex are fully contained on the larger of the two lots, lot 165 (86,750 square feet), it is not clear to what extent elements of the other two structures, the parking lot and fenced garden, may occupy portions of the smaller lot, lot 177 (14,525 square feet). Assessor's records indicate that lot 177 remains in public ownership, is owned by the CRA, and has been tax-exempt (with one brief exception; see below) since 1960.

The information on the two lots in this report was taken from the available public record and includes a preliminary history of the development, and information on its zoning status and potential for additional development.

History of The Riverview Development

The Riverview complex was developed from a dense grouping of 19th-century workers' houses and 20th-century garages and storefronts that were acquired by eminent domain by the CRA in 1959 and 1960.³ The Redevelopment Plan (August, 1958) cited the reasons for taking the properties, stating that they were "a core of blight and non-conforming, non-residential uses in an otherwise stable residential area," and "its boundaries were selected to include such undesirable structures and uses, but to exclude properties which contribute to the soundness of the neighborhood."⁴

³ see Middlesex South Registry of Deeds, as follows: book 9409, page 465; book 5411, page 171; book 9519, pages 587-89; book 9543, page 245; book 9572, page 30; book 9573, page 522; book 9584, page 499; book 9711, page 231.

⁴ p. 3, "Cambridge, Massachusetts: Redevelopment Plan: Riverview Project," Cambridge Redevelopment Authority, 57 Inman Street, Cambridge, August, 1958.

The CRA assembled 17 parcels from 13 owners and cleared 13 buildings or outbuildings and two large garage complexes from the properties before letting the site for development. The area taken included Burns Court, a short dead-end court that ran off Foster Street between 36 and 46 Foster streets, and Bradbury Street, which had been laid out in a jagged “L” that ran from 18 Sparks and exited at 205 Mount Auburn Street. As part of the project, Burns Court was eliminated completely and Bradbury Street was abandoned at the Mount Auburn Street end and re-established as a public way from Sparks Street with dimensions of 40’ by 245’ (see Maps B-E).

Developers were invited to submit proposals for the site in 1959. The CRA selected the bid of First Realty Company to develop the property with apartments and submitted a variance application on behalf of the development to augment the allowable height above the 65’ limit then in effect. On May 24, 1960, the Board of Zoning Appeal granted the variance finding that the exceptional circumstances of the case justified the variance and would not conflict with the law or injure persons or property.

The zoning decision was appealed by seven individuals on the basis that the facts of the case did not support the variance, alleging that unnecessary traffic would be generated, that “the open space originally provided for #225 Mt. Auburn Street, which had been the main compensation to the neighborhood of the height of the proposed apartment building, would be largely destroyed and converted into an unsightly parking lot,”⁵ and other more general complaints. The appellants specifically objected to the failure of the proposal to adequately provide for underground parking, for open green spaces, and for restricting the height of the building as a basis of their appeal.

Unfortunately, the original record of the zoning case has been lost, so the content of the material presented and public comments made is not known. However, the appeal was heard in Middlesex County Superior Court, Case in Equity No. 22384 (Vickers et. al. vs. Evarts et. al.). The final decree contained stipulations regarding the development, which included limiting the height of the high rise to 73’, providing screening or fencing of the open parking areas, and providing parking under the high rise building for the units in the building. A letter indicating compliance with those stipulations was filed at the City Clerk’s office on February 27, 1962. The letter from the project architect, James L. Harris, certified the following:

- (1) The formal Construction Plans provide for one parking space for each of 50% or more of the apartments in the high rise building (Building #1 as shown on the Construction Plans), such spaces located under said building.
- (2) The formal Construction Plans provide for planting, fencing or other screening of open parking areas on the Project Area.
- (3) The formal Construction Plans provide for play areas for children of families residing in the Project Area.⁶

⁵ see Bill of Equity, filed June 28, 1960 in re: Charles Vickers et. al. vs. Board of Appeals; copy on file at Cambridge City Clerk’s office

⁶ see correspondence of James L. Harris to Cambridge Redevelopment Authority, dated February 12, 1962 and on file at the office of the Cambridge City Clerk.

Building permits for construction of The Riverview and 28 Bradbury Street were issued on March 30, 1962 (building permits 61463 and 61464; for 65 apartments and 14 townhouse units, respectively).

The Riverview Development

The period of time immediately following the transfer of the property from the Redevelopment Authority to the developer in 1963 and 1964 seems to contain decisions that would further explain the conditions on the ground for the two lots and in particular, the current layout of the parking and open space components of the site. Without surveying, it is not possible to determine visually whether elements of The Riverview complex occupy any portion of lot 177.

Records of the Engineering Department may provide some insight into the evolution of plans for the site. Maps located at the Cambridge Engineering Department demonstrate that modifications were made to the layout of Bradbury Street from the CRA's proposed layout of about 1958 (the presumed date of a plan that shows Bradbury Street as a "banjo" style cul-de-sac) and 1962, the date that a Street Acceptance Plan for Bradbury Street was filed with the Department.

When the original CRA street plan is overlaid on The Riverview development, it is clear that dropping the "banjo" street layout enabled the construction of the townhouse units on Bradbury Street. A fragment of the curve of the "banjo" plan survives at 30 Bradbury Street where the southeastern corner of the lot is cut away on a radius. Otherwise, the plan presented for acceptance in 1962 shows a parcel of the current dimensions of lot 177, i.e., a narrow "panhandle" 135' long and 7-10' wide extending from Sparks Street to 38 Bradbury Street, opposite which the parcel opens out to a 49' x 88' rectangle.

Although planned in that configuration in 1962, the street was not presented to the City Council for acceptance until March 30, 1964, at which time, according to City Council and CRA records, the City Council accepted the deed for Disposition Parcel #12 (the 14,525 square foot lot now known as lot 177) from the CRA and approved use of the newly-configured Bradbury Street as a public street.

Apparently, though accepted by the City Council on April 1, 1964, the street was never recorded at the Registry of Deeds or accepted by the City Engineer. According to the City Engineer's office and contrary to the current signage posted on Bradbury Street, the street is not a private way but an unaccepted public way. It is not clear whether Bradbury Street (including lot 177) was ever paved to follow the configuration of the accepted street plan but currently lot 177 appears to be fully incorporated within the landscape treatment of lot 165.

The orphaned status of lot 177 as a public street appears to be consistent with the evidence of the city's assessing records, since the assessor's department never transferred ownership of the lot from the CRA to the City. However, the assessing

department index card records do indicate some confusion over the ownership status of the lot as follows.

In 1963, the developer of the property, Max R. Kargman, was first listed on the department's index as the owner of the property, which contained the unfinished apartment buildings and 101,098 square feet (meaning it included both parcels, lots 165 and 177). In 1964, the assessor's card for the property was amended to correct the area of the property to 86,750 square feet, the square footage of lot 165 alone. Since 1964, the lot size of lot 165 of map 220 has remained at 86,750 square feet.

Later Variance Activity

In 1965, Mr. Kargman applied for a variance from the Dimensional Requirements to create two penthouse apartments on the eighth floor of the building at 221 (then referred to as 225) Mount Auburn Street. The petitioner affirmed that he was as a matter of law entitled to have 79 apartments in the project and that the zoning ordinance in effect in 1965 had repealed the earlier height limitation. The Board of Zoning Appeal split their vote, three to two.

A majority of the Board voted to deny the variance, indicating that the conditions of the decree agreed to in *Vickers, et. als. vs. Evarts, et. als.* stated that the building height could exceed 73' only for "incidental utility structures . . . but not including penthouses for occupancy."⁷

Three members of the Board further found "that the petitioner voluntarily and by its own free will carried out the following steps: (1) removed the laundry facilities from the eighth floor to apartment 110, (2) placed a resident superintendent in apartment 111, (3) combined apartments 701 and 702 into one large apartment for occupancy by one tenant."⁸ They acknowledged that the penthouse level had apparently been constructed in violation of the height limit of the decree but declined to take a position to enforce the decree.

The dissenting members of the Board found that the zoning ordinance which came into effect in 1961 allowed an 85' height limit, that granting the variance would not be disharmonious or detrimental, and that the owner was being denied "reasonable use of his property to its fullest potential." (BZA #3735-Z)

The petitioner appealed the denial in Superior Court and the Court overturned the denial, thereby allowing use of the penthouse level as dwelling space. In 1973, the property was converted from rental to condominium ownership.

Lot 177 Development Potential

⁷ see "Stipulation" in docket on file at Middlesex Superior Court for *Vickers, et. als. vs. Evarts, et. als.*, Equity #22384, dated November 3, 1960.

⁸ see BZA decision in case #3735-Z, dated May 7, 1965 and on file at Cambridge City Clerk's office

Lot 177 contains 14,525 square feet in an area which is partially paved and partially treated as a landscaped amenity. According to the city's zoning data base, the lot would yield 10,894 of allowable floor area. Given the fact that the lot has an extremely irregular "panhandle" footprint, with a narrow, 135'-long dogleg parallel to Bradbury Street and two rectangular sections at the east end, it is highly unlikely the lot could achieve the full floor area as of right; more likely, any proposal for developing the parcel would require significant dimensional and setback relief. More critically, as it is currently paved, a portion of the lot serves as a driveway to the Riverview complex and any potential development would significantly alter access to lot 165. It therefore seems most likely that the lot would be acquired by the Riverview complex.

Conclusions

From a planning perspective, the development potential of lot 220-177 represents a significant factor for change. The lot nonetheless represents the largest development parcel in the study area, surpassing the Lowell School lot (239-55, 11,990 square feet), and its treatment should be a matter for public review. For this reason, the boundary of the Marsh NCD II study includes lot 177 and any order establishing an NCD district should not exclude the parcel.

III. Pattern of Historic and Architectural Development

A. The Marsh's Historical Development

[excerpted and edited from material prepared for inclusion in the forthcoming revised edition of the Commission's publication, Old Cambridge; all rights reserved by the Cambridge Historical Commission, 2000]

The Marsh is one of a number of distinct neighborhoods that surrounded the original village of Old Cambridge. Each neighborhood developed differently, depending on its distance from the center, the river, and major roads, on the ambitions and resources of its owners, on the prevailing economic conditions, and on the topography, soil quality and drainage. The plain around the village was improved almost immediately after settlement and well-drained hillsides attracted suburbanites by the 1850s. Damper areas and salt marshes, like The Marsh, were not developed until the late 1850s and 1860s when immigrants needed cheap building lots; clay lands and peat bogs were built up only when all the other available land was taken.

Much of the area of West Cambridge in which the Marsh is located consisted of large estates through the 18th century. These estates began as land grants either in Newtowne's West End, which was divided among the proprietors in 1634, or in neighboring Watertown, which was settled in 1630 near what is now Gerry's Landing. In the mid-18th century, several colonial officials and West Indian planters acquired farms along the Watertown road and built elaborate houses facing the river. These estates were confiscated during the Revolution and sold after the war to a new class of wealthy Americans. The subdivision and development of the Tory estates, a process that began about 1850 and ended in 1915, created the street patterns and neighborhoods that exist today.

The Marsh neighborhood lies at the southwest end of land owned in the 18th-century by John Vassall. His estate of some 87 acres, the largest on Tory Row, was assembled over a period of twenty-eight years, reaching its largest extent in 1774. Vassall began assembling his estate in 1746 when he made two separate purchases from Amos Marrett: 6½ acres and the Marrett family homestead on the north side of the "King's road to Watertown" (Brattle Street) and 50 acres between Brattle and the river (including the area later known as The Marsh).

John Vassall's heir, John Jr., enlarged the family's holdings and built the Vassall-Craigie-Longfellow mansion at 105 Brattle Street in 1759. All this was confiscated during the Revolution, sold by the commonwealth in 1781, and resold several times before being acquired in 1791 by Andrew Craigie, a New York businessman and subsequently, the developer of East Cambridge.

Always eager to expand his domain, Craigie purchased several adjoining Brattle Street properties, including, in 1792, Henry Vassall's estate at 94 Brattle. This became the residence of Bossenger Foster, Craigie's brother-in-law, closest friend, and business associate. When Craigie died intestate in 1819, Foster's four children contested the

division of his property. Only after much delay was the estate settled with Craigie's widow receiving the mansion and 96 acres of land, including "arable and salt and fresh meadow in front of the mansion house," and Craigie's other Cambridge parcels passing to his Foster heirs. After Mrs. Craigie's death in 1841, her land, still undeveloped, was partitioned among the Fosters; the house was purchased by Nathaniel Appleton for Henry Wadsworth Longfellow in 1843.

On the south side of Brattle Street, the Vassall-Craigie estate stretched from near Hawthorn Street to Lowell Street. Longfellow bought the field and meadow between Hawthorne and Willard streets in 1849 and kept it largely undeveloped to provide an unobstructed view of the river and the Brighton Hills from his house. After his death in 1882, his heirs set aside part of the meadow as a memorial; it became a city park in 1907.

In 1843, the meadow between present Willard and Lowell streets passed to George, Samuel, and James Foster, all of whom lived in New York. George Foster, a broker, soon moved to Boston. Acting as trustee for his brothers, he tried to develop the parcel by laying out twenty-two lots, mostly along the Watertown Road (Brattle Street). He also laid out Liberty and Union streets, renamed Willard and Foster by 1850, and Lowell Street, named for James Russell Lowell. The marshy area south of Foster Street was not initially subdivided.

The Brattle Street lots moved slowly and, after two years, George Foster sold his share of the remaining property to Samuel. Four houses were built during the Fosters' ownership: a side-hall Greek Revival at 112 Brattle Street (1846-47); 118-120 Brattle (c. 1845), demolished in 1902 and replaced by five houses; 7 Brown Street (1846, moved from 126 Brattle), built for Daniel Brown, a lumber merchant for whom Brown Street was later named; and 19 Lowell Street, which George Foster built for his own use.

In October 1849, Samuel Foster sold the remaining 36 acres to Gardiner Greene Hubbard, who in 1850 laid out sixty-seven ample lots and prepared the property for sale by auction. In Hubbard's plan the largest lots faced Brattle Street and ranged from 100 to 123 feet in frontage and 196 to 367 feet in depth. Even the lots along Mount Auburn Street were initially at least 90 feet wide. This was not Hubbard's first subdivision in Cambridge, but it was certainly the one in which he had the greatest personal investment; he lived at 146 Brattle Street for 25 years and personally controlled design of the houses and development of the lots for almost 50 years until his death in 1897.

Late in life, Hubbard recalled his original purchase:

In the year 1849 I came to this city from Boston, and purchased forty [sic] acres of unimproved land at \$1000 an acre. The tract was bounded by Brattle, Lowell, Mount Auburn and Willard streets and there was not a house, and scarcely a tree on it all. Since that time I have opened Sparks Street, Foster Street, Mercer Circle, and two or three courts, and have been the means, directly or indirectly,

of erecting a good many houses. My own homestead here was built in 1851, and was for the period a rather handsome affair. All the trees on this lot, and on the entire tract, I have planted and have seen grow up to their present size. In 1850 and 1851 two real estate auctions were held, and a considerable part of the land was sold (Cambridge Tribune, August 14, 1886).

From the beginning, Hubbard's development fell into two distinct parts: the high ground near Brattle Street, where Hubbard's own house and other large dwellings sat on spacious lots, and the low land toward the river, which became a neighborhood of Irish laborers known as the Marsh (or sometimes the Upper Marsh, in contrast to the Lower Marsh, near Banks Street).

Foster and Sparks streets formed the core of the lower area, where successive owners carved up Hubbard's original large lots, creating by 1873 a dense maze of narrow cul-de-sacs lined with closely built houses.

From the perspective of Buckingham Street, Thomas Wentworth Higginson characterized the neighborhood as "poorly settled. When any man in Cambridge has an old house that he wants to get rid of, he sells it at auction for three or four dollars, and it is moved down there on 'the mash'" (Charles River Ry. I, 53).

One such building is the William Bates house at 38 Bradbury Street (1821), which was moved from 73 Brattle Street by Patrick Dee in 1875; another is the Aaron Hill house at 17 Brown Street (c. 1754), moved from the corner of Brattle and Mason streets in 1868.

The block between Willard, Mount Auburn, Sparks, and Foster streets was typical of this area. In 1850 Hubbard sold eleven of the original twelve lots to John C. Martain of Charlestown, a broker. In 1854 there were no houses on this block, although a few stood on the north side of Foster Street, particularly along Willard (now Foster) Place, where eight house lots had been carved out of a single 100-by-200-foot lot in Hubbard's original plan. By 1856, there were twelve households on Foster Street and its tributaries; most were Irish, and the range of occupations foretold the future of the area: half the wage earners were laborers, and the other half were carpenters, teamsters, and stonecutters.

By 1873, new owners had divided more of the large lots and put up eleven double houses and nineteen small single houses on several new streets, including narrow Marsh Court, which zigzagged through the block from Sparks to Mount Auburn. Despite the spring tides and poor drainage that caused several epidemics, the city sewers that were laid down Willard and Sparks streets in 1854 and 1857 were not extended to this part of Foster until 1874 and to Dinsmore Court until 1892.

The block west of Sparks followed a similar pattern, with twenty-eight small houses on several narrow cul-de-sacs put up by 1873. That year Hubbard laid out Gibson Street and an unconnected part of Kenway through the only land that he retained below Foster Street; the former street he named for his gardener, John Gibson, who planted

the trees there, and the latter for Herbert Kenway of Allen & Kenway, who designed at least three houses in Hubbard Park and Hubbard's house, Twin Oaks, in Washington, D.C. By 1894 the lower half of Gibson Street was filled with modest houses; the upper half, which Hubbard still owned, had been redesigned with a gentle curve and landscaped like Mercer Circle. After Hubbard's death, however, the street was straightened and the landscaping removed.

Many of the houses in the Foster Street area are the two-room center-hall worker's cottages set on high basements which are found in poorly drained areas throughout Cambridge. Here, they often face narrow lanes only 16 feet wide. Typical are late Greek Revival houses such as 45 Foster, built in 1853 and the oldest house remaining on the street. Some very small houses, such as 50 Foster (1855) and 92 Foster (1868), were built as double houses, although each unit contained only one room per floor. Also typical of the area are the one-story double Mansard cottages on Dinsmore Court (1871-73) and the simple two-story Mansards at 191-199 Mount Auburn Street, all by the builder James Dinsmore.

Some larger tenements were erected in the Marsh, but only one remains, the four-unit Mansard house at 13-15 Sparks Street of about 1870. This was built by a grocer, Timothy Burns, who had both his business and his residence here. The family later developed Burns Court, a cul-de-sac off Foster Street, with a series of typical single and double rental houses, now all demolished except 36 Foster (1889, George Fogerty). Across the street at 59-65 Foster are four houses designed in 1927 by William and Mary Duguid around a central court; these replaced a stable that belonged to one of Hubbard's houses on Mercer Circle.

Brown Street, originally called Irving Place, has much in common with Foster Street in its small-town appearance. Two of the earliest houses were moved here from Brattle Street: the gambrel-roofed Aaron Hill house (1754), moved in 1867 to 17 Brown Street and raised to insert the present first story, and the Greek Revival Daniel Brown house (1845, with 1867 mansard roof) moved from 126-128 Brattle to 7 Brown in 1890-91.

The through streets between Brattle and Mount Auburn--Willard, Sparks, and Lowell--vary greatly in character from one end to the other. Willard, laid out along the brook that drained Worcester's pond (between 115 and 121 Brattle), has some early houses on the west side north of Foster Street, most of which have been enlarged or thoroughly remodeled in the 20th century. Below Foster Street are more modest, multifamily houses, such as the "double tenement" at 27-29 Willard.

On higher ground than Sparks or Willard, Lowell Street was generally built up with larger houses on larger lots; some of them, such as numbers 8 (1896) and 16 (1867), were erected by Gardiner Hubbard. The oldest house, at 19, was built in 1849 by George Foster just before the property was sold. The rise on which it sits is a remnant of Simond's Hill, the rest of which was excavated for gravel when Mount Auburn Street was built across the marsh. In contrast to upper Lowell Street, the land at the Mount

Auburn end of the street is lower and the development denser. The Lowell School (1883), at the end of the street, was the last wooden school built in the city.

In the 1840s, Mount Auburn Street between present Hawthorne Street and Shaler Lane was a narrow causeway over the marsh first laid out just after 1800. The land was difficult to sell for anything but the poorest sort of houses or for urban fringe activities. Alexander McDonald, who owned a stoneyard on the river, held the corner of Sparks and Mount Auburn streets until the turn of the 20th century, when he tried to develop it by laying out small parcels along a narrow east-west street. These evidently were not desirable for houses, and in 1915 an unsightly garage and laundry were built instead. Not until 1962 did this corner finally become residential, with the construction of The Riverview apartment complex at 221 Mount Auburn and 22-28 Bradbury streets.

Similarly, the large lot behind Catherine Gallivan's house at 255 Mount Auburn Street remained empty until 1926, when the house was demolished and the Harvard Housing Trust created Shaler Lane as housing for Harvard's married students.

In contrast to the area south of Foster, which he sold to others to develop, Hubbard reserved for himself most of the land on Brattle Street between Sparks and Lowell streets. In 1850 he hired Erie Stewart, a Somerville housewright, to build his family a house at 146 Brattle Street. As partial payment, Stewart was given a small lot at the corner of Foster and Brown streets.

For the next 20 years, Hubbard was deeply involved in civic improvements as the founder and president of the Cambridge Gas Company (1852), the Cambridge Water Works (1852), and the Cambridge Railroad (1854). In the 1870s he moved to Washington to promote the telephone, newly invented by his son-in-law Alexander Graham Bell, but he retained between 12 and 14 acres in Cambridge, including his estate and homestead, about 2 acres on the east side of Sparks Street, and several acres south of Foster. Hubbard began to develop some of his land in 1885 in a controlled, leisurely fashion.

The feeling of Hubbard Park as an estate with extensive outbuildings, tennis courts, and gracious, late-19th-century cottages began to diminish in 1892, when Hubbard demolished some of his greenhouses and moved his gardener's cottage to 114 Foster Street to make room for more construction.

For ten years after Hubbard's death in 1897 nothing new was built on his property, but in 1907 his widow sold Hubbard Park and all its houses to J. Sumner Draper and Mark Temple Dowling of Boston. The new owners wished to develop Hubbard Park more intensively. Their plan doubled the number of lots, regularized their shape, and replaced Hubbard's narrow winding drives with a more conventional L-shaped street, Hubbard Park. Hubbard's own house continued to occupy the center of the development until 1939, when it was demolished and a two-story copy of the Hooper-Lee-Nichols house was erected amid Hubbard's magnificent copper beech trees.

For much of the early 20th-century, The Marsh was a neighborhood of Irish and Italian working class families. The contribution of those families to the neighborhood's cultural and social history is not a part of this report, but remains accessible through the many early families who still live in The Marsh. Their oral histories, family stories, and photographs of life in The Marsh are an important and rare resource for the city. Among the residents of The Marsh are several (including the Murnanes and Sullivans) whose families have owned property in the neighborhood continually from the time of its initial development in the 1850s. The neighborhood's history would be considerably enriched by a comprehensive effort to record these families' histories.

Alongside these original families are many who have lived in The Marsh since the 1950s and '60s when the area began to gentrify. The neighborhood's convenience to Harvard Square, Mount Auburn Hospital, and the river, as well as its village character and the affordability of its modest houses made it an attractive choice for a new contingent of professionals and academics.

Two Harvard-related projects of the late 1920s presaged the introduction of this new contingent by bringing student housing to the neighborhood at Shaler Lane (1926) and Gibson Terrace (1927). The two projects were constructed by the Harvard Housing Trust, a development corporation formed by a group of Harvard graduates for the purpose of constructing low-cost rental housing for married and graduate students at Harvard. The Trust, although not formally affiliated with Harvard, enjoyed the university's endorsements. They endeavored to design "modern" housing to the best progressive standards of the day and hired the premier architectural firm in the field of "affordable" housing, Kilham, Hopkins & Greeley of Boston.

The firm modeled Shaler Lane, planned as 11 small houses and 32 modest apartments, "after the fashion of many a picturesque village in old England." (Crimson, 2/5/1927) Gibson Terrace, between 24 and 40 Gibson Street, contained 18 apartments in a modest brick Colonial Revival building with an open court at the front. These brick multi-family buildings were joined in 1929 by "Thurber Hall," a 16-unit brick apartment building at 205 Mount Auburn Street (R. W. Blackall, architect; *excluded from Marsh NCD II study*).

In the early 1960s, the "blighting" influence of the small, frame commercial buildings and concrete block garages at the lowest-lying spot in the neighborhood, the corner of Sparks and Mount Auburn streets, was recognized in the taking by eminent domain of 17 properties by the Cambridge Redevelopment Authority under the auspices of the Urban Renewal program of the federal department of Housing and Urban Development.

The Riverview apartments (1962, Harris & Freeman; *excluded from Marsh NCD II study*) constructed on the site at 221 (now 225) Mount Auburn Street is a modernist apartment block designed with Corbusian elements, such as the "piloti" piers that support the building above an open ground floor and the concrete grid "brise-soliel"

paneling that fronts the building's balconies. Described as a "handsome" development that provided on-site parking "with the utmost consideration for the visual environment" (Bunting & Nylander, Old Cambridge, p. 61), the Riverview has also been credited with spurring "considerable private redevelopment in this district of modest 19th-century workers' houses." (Rettig, 10 Walking Tours, p. 024)

More recent efforts to "privately redevelop" the neighborhood include the 1967 reuse of 10 concrete block garages as housing by Sheldon and Anabel Dietz, and the continual upgrading and expansion of residences in the decades since then.

B. Inventory of Buildings in The Marsh

[bracketed information taken from Hail, Christopher, Cambridge Buildings and Architects, 1992; all other data from CHC files]

Bradbury Street

laid out 1860; named Marsh Court by 1873 [named Bradbury in 1891 for Josiah C. Bradbury]

- 30; 1854-73; vernacular Greek Rev. [1861; Dennis Twohig; alt. 1971]
- 32; 1854-73; vernacular Greek Rev. [1867; Dennis Twohig]
- 34; 1854-73; vernacular Greek Rev. [1860; Francis R. Trow]
- 38; Wm Bates House, originally at 73 Brattle St.; moved between 1870-77; Fed [moved 1875; garage 192-; additions, 1954, Edward Sears Read, arch]

Brown Street

laid out 1850; named Irving Place; changed to Brown St by 1873; named for Daniel L Brown, Boston RE broker and early resident

- 9; 1916-30; Col Rev cape [1926, Wm. J. L. Roop; garage 1939]
- 11; 1903-16; Dutch Col [1914, John W. Powers; garage 1928]
- 15; 1830-54; Greek Rev.[184-; Andrew and Thomas Foster; garage, 1920; altered, 1980?]
- 19; moved by 1894; Greek Rev.[1886, Catherine Byrne; garage 1929]
- 21; 1830-54; Greek Rev.[1853, Catherine and Philip Curran]
- 14; 1916-30; Georgian Rev. [1925, Giles Taintor; garage, 1988]
- 16; 1854-73; Greek Rev. [double house, 1855, James Lynch]
- 18; 1854-73; 1916-30; Greek Rev. [1857, Samuel and Benjamin K. Flint]
- 20; 1854-73; Greek Rev. [1857, James Black]

Camden Place

laid out by 1859; by 1863, named Murdock Place; by 1874, Camden Place

- 7; 1854-73; 1920s; vernacular Greek Rev.[all houses, 1859, Asa Murdock]
- 9; 1854-73; 1940 [rebuilt? 1936, Gilmour Brundage]
- 6; 1854-73; vernacular Greek Rev.
- 8; 1854-73; vernacular Greek Rev.

Dinsmore Court

1870 laid out and named; named for builder James Dinsmore

5-7; 9-11; 4-6; 8-10; 12-14; 1854-73; double mansard cottages
 [5-7, 1871, William E. Bosworth]
 [9-11, 1870, Orrin A. Labree]
 [4-6, 1870, James Dinsmore]
 [8-10, 1870, James Dinsmore]
 [12-14, 1870, James Dinsmore]

Doane Street

1892 laid out and named

9; 1927, William Duguid; Tudor Revival

Foster Place

laid out by 1853; named Willard Place/Court by 1858; named Foster Place by 1876

5; 1851; vernacular Italianate
 7; by 1873; vernacular Italianate
 9; on 1854; vernacular Greek Rev.
 2-4; on 1894; vernacular Queen Anne
 8; on 1854; vernacular Italianate
 10; on 1854; vernacular Italianate

Foster Street

1843 laid out and named Union Street; by 1850 changed to Foster Street
 [named for George Foster]; named for Bossenger Foster family

11; by 1873; vernacular Italianate [1857, John McGinn]
 19-21; by 1873; vernacular Italianate [1859, James Anderson]
 39; by 1873; Greek Rev. [1858, William Black]
 45; 1853; vernacular Italianate; Emery Willard [garage, 1927]
 53; by 1873; vernacular Italianate [1855, Emery Willard]
 59, 61, 63, 65; 1927; Colonial Rev., William Duguid, arct. [garages, 1927]
 14-16-18; 1886-94; vernacular Queen Anne [1884, George Hartness]
 24; 1886; Italianate/Queen Anne; Patrick O'Connor, owner [1882, Maurice O'Hearn]
 28-30; by 1873; mansard; John Doyle, owner [1871]
 36; 1889, Queen Anne; Geo. Fogerty, arct., "Mrs. Burns" owner [1891, Harvey Taylor]
 46-48 (also listed as 42-44); by 1894; late Greek Rev.; 1920s entrance [1886, Robert Ramsay]
 50; 1855; vernacular Italianate; Robert Ross, owner
 52-54; by 1903; vernacular Queen Anne [1895, R. Currie Grovestein, arct.]
 58; by 1894; vernacular Italianate [double house, 1856, Francis Trow; moved 1884 from 66 Foster]
 62-64; by 1886; vernacular Italianate [1886, double house, Melville Beedle, bldr.]

66-68; by 1873?; vernacular Italianate [1882, double house, Patrick O'Connor]
 72-74; by 1916; Craftsman/Arts & Crafts [1915, three-decker and store, D. J. Vandyke]
 86; by 1873; vernacular Italianate [1861, Francis Trow, garage 1935]
 88; by 1873; vernacular Italianate [
 92; by 1886; vernacular Italianate; garage by 1930
 92R; 1876-77; vernacular Italianate; Peter Nelligan, owner [1867]
 94; by 1868; vernacular Italianate; Peter Nelligan, owner
 96; by 1868; vernacular Italianate; Peter Nelligan, owner
 98; by 1873; vernacular Italianate [1860, John Hill]
 98½; by 1886; vernacular Queen Anne [1876, Patrick Holmes]
 100; by 1873; vernacular Greek Rev.[1860, Patrick Culhane, changed 1868 to double house]
 106; by 1894; vernacular Italianate; John C. Brown, owner [1875, Patrick Sullivan, moved 1890 from 141 Foster]
 114; by 1894; Stick Style; John Gibson, owner [moved 1891 from 115 Foster]
 120; 1932; Georgian Rev. [1931, Joseph Guiney, garage 195-]
 140; by 1930; Colonial Rev. [1925, A Pelleriti, garage 1936]
 148; 1877 at 12 Lowell; moved 1896 to site; Italianate [1870, Daniel D. Fuller, garage, 1922]

Gibson Street

1873 laid out; by 1887 named Gibson Street; named for John Gibson, gardener for Gardiner Hubbard

7-9; by 1930; vernacular Colonial Rev.[1894, Charles S. Roach, garage 1923]
 15; after 1930; Medieval Revival [1929, Bernard Miller and Elijah Levy, garage, 192-]
 21; 1860; double house; James Rannells [1860, double house, Catherine Johnson]
 25-27; by 1903, Queen Anne [1895, Suther Blaikie]
 41; by 1873 at 14 Lowell; moved by 1903 to Gibson, mansard [1870, Joseph Fox, moved 1897 from 14 Lowell Street]
 43; by 1916; vernacular Queen Anne [1908, Thomas Powers]
 12; by 1894; Queen Anne [1891, Edwin and William Blaikie]
 18; by 1894; Queen Anne [1891, Edwin and William Blaikie]
 24; by 1894; Queen Anne [1893, Suther Blaikie]
 24-40; Gibson Terrace; 1927; Kilham, Hopkins & Greeley, arcts., Harvard Housing Trust, owner
 40; by 1903; Queen Anne [1902, John V. Power, garage 1926]

Kenway Street

1892 laid out and named; named for Herbert Kenway of Allen & Kenway Architects, architect of three houses on Hubbard Park and of Gardiner Hubbard's house in Washington, D.C.

5; [1990, V.R. Stephen-Gagosian](previously, 1927, Medieval Revival, M. and W. Duguid, archts., Mary Norton Allen, bldr.)

9; post 1930; Colonial Revival [1931, Joseph Guiney, garage, 194-]
 2, 4, 6, 8; 1894; Suther Blaikie
 10; by 1903; Queen Anne [1894, Suther Blaikie]

Lowell Street

1843 laid out and named; named for Charles Lowell

19; 1849; Italianate; George Foster [1849; moved on lot, 1927; garage, 1927]
 25; Lowell School; 1883; Queen Anne; James Fogerty, arct.
 16; 1867; Italianate; Henry W. Farrar [1866; Gardiner Hubbard]
 20; by 1873; mansard [1866; Gardiner Hubbard]
 22-24; by 1873; mansard [1871; Daniel D. Fuller]
 26; 1891; Queen Anne; Suther Blaikie, bldr.
 28; by 1894; Queen Anne [1891; Suther Blaikie, bldr.]

Maynard Place

1863 laid out and named Rice Place; by 1874 named Maynard Place

7; 1852-53; vernacular Greek Rev.; William Ross [1853; John Allen]
 9; 1852-56; Italianate; John Allen [1853]
 13; by 1894; Italianate [11-15; double house; 1891; James J. Major; altered, 1959]
 17; by 1873; double house; Italianate [double house; 1853; Patrick McKenny; additions/alterations, 1989, Guillermo Bahamon and Nancy Dingman]
 12-14; by 1903; Queen Anne/Colonial Rev. [double house, 1897, Timothy F. Haley]
 18; between 1853-66; vernacular Italianate; Alfred Wood and Orrin Hall [double house, 1856]
 20-22; between 1853-66; vernacular Italianate; Alfred Wood and Orrin Hall [double house, 1856]

Mount Auburn Street

1807 laid out from Eliot Street to 30 Elmwood Ave; named River St; 1843 name changed in this section to Lower Road to Mount Auburn; by 1846 renamed Mount Auburn

183-87; by 1873; altered, 1923, Amodeo Alberico, owner; mansard [1870; double house; James Dinsmore]
 191; by 1873; mansard [1870; double house; James Dinsmore]
 193-95; by 1873; James Dinsmore; mansard [1870]
 199; by 1873; mansard [1870; double house; James Dinsmore; garage, 1928]
 237; by 1894; vernacular Queen Anne [1868; Thomas Graham]
 239; by 1873; Greek Rev. [1861; Thomas Graham; garage, 1929; altered, 1968]
 245; by 1873; vernacular Greek Rev. [1858; David Haley]
 247-49; by 1873; vernacular Italianate [1858; Thomas Dunwoody; garage, 1925; additions, 1991 Peter Tagiuri]
 257; by 1873; altered ca. 1910; Colonial Rev. [1870; Thomas Rice;

garage, 1922]
 259; ca. 1850; Italianate; Mt. Auburn Station of Watertown Branch of Fitchburg Railroad; moved to site 1866-67 [moved 1858; Alexander McDonald, owner]
 261; 1858-59; vernacular Italianate; Alexander McDonald, owner [1866; garage, storefront, 192-]
 263-65; 1864-65; vernacular Italianate; Alexander McDonald, owner [1855; Edward Welch; garage, 1929]
 269-71; on site 1894; vernacular Italianate [1875; double house; William Grannan]
 277; by 1916; Colonial Rev., three decker [1908, Giles C. Mulder]

Shaler Lane

1927; 43 units of housing in four brick Colonial Rev. buildings; Kilham, Hopkins & Greeley, arcts.; built for Harvard Housing Trust for married graduate students

Sibley Court

by 1865 laid out; by 1872 named Sibley [named for John L. Sibley]

9; by 1873; vernacular Italianate [1900; Frank J. O'Reilly]
 19; by 1894; vernacular Queen Anne [1882, Michael Shea]
 21; by 1903; vernacular Italianate [1892, Michael Shea]
 23; by 1894; vernacular Queen Anne [1865, Michael Shea]
 10; by 1894; vernacular Italianate [1898; Timothy F. Haley]

Sparks Place

11r Sparks Street: changed from 1923 garages to townhouses 1966 [Anabel Dietz]

Sparks Street

boundary between Cambridge and Watertown until 1754; named for Harvard president (1849-53) Jared Sparks

1-3; by 1873; vernacular Italianate [1861, James Moore; additions, 197-]
 5; by 1873; mansard [1870; William J. Beckett]
 7; by 1873; vernacular Italianate [1859; George Hezlitt]
 9; by 1873; vernacular Italianate [1858; Patrick Coney]
 11; by 1873; vernacular Italianate [186-; 1867; Patrick O'Connor; moved house?]
 13-15; by 1873; mansard; Timothy Burns, owner [1868; double house]
 17; by 1873; vernacular Italianate [1860; William Black]
 21; by 1903; Colonial Rev., three-decker [1901; Harry Dustin Joll]
 23; by 1873; vernacular Italianate; William Runey, owner [1865; changed ? 1935 to three-story]
 18-18A; 1873; 1886; mansard [1864; Daniel Riley; altered, 1982, Unihab]
 20; by 1873; vernacular Italianate [1864; Timothy O'Connor; altered 1988]
 22-26; by 1873; vernacular Italianate [1884; Patrick O'Connor]
 32-34; by 1930; Colonial Rev., three-decker [1916; Robert H. Ellis]
 36-38; by 1930; Colonial Rev., three-decker [1916; Robert H. Ellis]

Willard Street

1843 laid out as Liberty Street; by 1850 changed to Willard; named for [Sidney] (and or Joseph) Willard (Joseph, Harvard president, 1781-1804) according to Lewis Hastings

- 5; 1906; Medieval Rev.; Gay & Proctor; remodeled 1963; Robert Hamilton, arct.
- 7; by 1873; Italianate [1857; Owen Braslan; additions, 1987]
- 9; post 1930; Colonial Rev. [1937; William Galvin]
- 11; by 1930; Federal Rev. [1857; Mrs. Gibson]
- 15; by 1854; vernacular Italianate [1851; double house; Alexander A. Barker; alterations, 196-]
- 17; by 1873; vernacular Italianate [1857; John Hamilton]
- 19; by 1873; vernacular Italianate; John McGinn [1857; John McGinn]
- 23; by 1930; Craftsman [1922; two-family; Frederick H. Gowing]
- 25; 1886; Queen Anne; Jeremiah Sullivan [1886; Melville C. Beedle; garages, 1918, 192-]
- 27-29; 1894; Colonial Rev., George Fogerty, arct.; Jeremiah Sullivan, bldr./owner [double house]
- 33; by 1873; mansard [1870; double house; James Dinsmore]
- 35; by 1873; mansard [1870; double house; James Dinsmore]

IV. Nature of Neighborhood Conservation District Protection

(this section is extracted from the Final Study Report for the Mid
Cambridge Neighborhood Conservation District, 1992)

A. Legislative Authority

The authority to designate neighborhood conservation districts is contained in Chapter 2.78, Article III of the Cambridge City Code, which was enacted by the City Council on March 23, 1981. The City Council is authorized to designate neighborhood conservation districts by order, based upon the recommendations of the Cambridge Historical Commission and the findings of an investigation and report conducted by a study committee.

Chapter 2.78, Article III was drafted by the Cambridge Historical Commission to decentralize the protection of significant neighborhoods in Cambridge in a manner beyond that authorized in Chapter 40C of the Massachusetts General Laws. In drafting the ordinance, the Commission found precedent in Chapter 772 of the Acts of 1975, the act establishing the Boston Landmarks Commission. This act authorized the City of Boston to designate architectural conservation districts, protection areas, and protected landmarks. In drafting the law that became Article III of the Cambridge City Code, the Historical Commission drew on Chapter 772 for many concepts and definitions, but wherever possible drew from the language of Chapter 40C, adapting procedures and authority designed for historic districts to the new task of decentralizing neighborhood protection under neighborhood conservation district procedures.

The purposes of Article III are:

to preserve, conserve and protect the beauty and heritage of the City of Cambridge and to improve the quality of its environment through identification, conservation and maintenance of neighborhoods . . . which constitute or reflect distinctive features of the architectural, cultural, political, economic or social history of the City; to resist and restrain environmental influences adverse to this purpose; to foster appropriate use and wider public knowledge and appreciation of such neighborhoods . . . ; and by furthering these purposes to promote the public welfare by making the city a more attractive and desirable place in which to live and work.

Authority to protect the built environment through historic districting has existed in Massachusetts since the passage of Chapter 40C in 1960, and has been exercised by the Cambridge Historical Commission since 1963. The purposes of historic districting, which are similar to the purposes expressed in Article III, are:

to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of the distinctive characteristics of buildings and places significant in the history of the Commonwealth and its cities and towns or their architecture, and through maintenance and

improvement of settings for such buildings and places and the encouragement of design compatible therewith.

The first Massachusetts historic districts, on Beacon Hill and in Nantucket, were established by special acts of the legislature in 1955 following an opinion of the Massachusetts Supreme Judicial Court that such legislation was a constitutional use of the State's power to promote the public welfare. The Massachusetts Court cited a United States Supreme Court decision in the case of Berman v. Parker (1954):

The concept of the public welfare is broad and inclusive . . . The values it represents are spiritual as well as physical, aesthetic as well as monetary. It is within the power of the legislature to determine that the community should be beautiful as well as clean, well balanced as well as carefully patrolled. [348 U.S. 26 (1954)]

The courts have also upheld historic districts on the grounds of their contribution to the economic well-being of a community. The Supreme Judicial Court in the 1955 Nantucket opinion noted that "the erection of a few wholly incongruous structures might destroy one of the principal assets of the town." [333 Mass. 773 (1955)] The courts have noted that these benefits may accrue to the individual property owner as well as to the community at large, but have considered that public purposes are served if the public good, measured in terms of increased property values or business volume, outweighs private costs. [T.J. Reed, Land Use Controls in Historic Areas, 44 Notre Dame Lawyer 3, 387]

It has been judicially determined that historic district legislation does not constitute a taking of private property without compensation, and it has been noted that many zoning applications are as demanding in their application. [333 Mass. 773, 778 (1955)] Once again, the public benefit is held superior to a reasonable degree of private sacrifice, a principle that was upheld in 1978 in Penn Central Transportation Co. v. New York City [438 U.S. 104 (1978)] in confirming the landmark designation of Grand Central Terminal.

Power to establish historic districts is not given lightly. Chapter 40C requires a thorough survey and report on the areas proposed for protection; review and comment by other public agencies; a public hearing with notification of all affected property owners; and passage of the historic district ordinance by the City Council. Once a district has been established, an historical commission holds the power to review all construction and alterations of structures that will be visible from a public way. This authority cannot be arbitrarily exercised, however; the legislation requires that a commission "shall not make any recommendations or requirement except for the purpose of preventing developments incongruous to the historic aspects or the architectural characteristics of the . . . district."

In all important respects, establishment of neighborhood conservation districts under Article III requires the same procedures and safeguards as for historic districts under Chapter 40C. Moreover, the authority of a conservation district commission, while

subject to the same limitation of being able to prevent only developments incongruous to the district, may be more strictly circumscribed than that of an historical commission if order establishing it contains extensive exclusions from its authority.

B. Establishment of Neighborhood Conservation Districts

Procedures for the establishment of a neighborhood conservation district are contained in Article III and conform to similar provisions for establishment of historic districts under Chapter 40C. Any ten registered voters can petition the Historical Commission to request the City Manager to appoint a study committee. Alternatively, the Historical Commission may initiate the study independently. The study committee must prepare a preliminary study report which considers the options set forth in Article III for the conservation district's review authority, outlines the exact boundaries of the area to be designated, presents a full architectural and historical justification for the area, and includes an order to implement the district.

The preliminary study report must be submitted to the Historical Commission, the Planning Board, the City Manager, and the City Clerk. A public hearing, for which all affected property owners must be given fourteen days notice, must be held within 45 days of the transmittal of the report. The object of the public hearing is to allow comments to be publicly recorded.

After the public hearing, the Historical Commission makes a recommendation to the City Council with regard to the designation which is transmitted with the approved designation report to the City Manager and the City Clerk. The City Council votes on the proposed order to designate the conservation district. No designation becomes effective until a map setting forth the boundaries of the district has been filed with the City Council and recorded at the Middlesex County Registry of Deeds, South District. The City Manager then appoints a neighborhood conservation district commission to administer the district.

V. Proposed Neighborhood Conservation District for The Marsh

A. Historical, Architectural or Other Relevant Significance of The Marsh

Historical Significance

The Marsh is historically significant as one of the largest surviving concentrations of the most modest forms of 19th-century workers' housing in Cambridge. Areas of similar housing in North Cambridge, such as those associated with brick making, either tended to be more scattered or have not survived in as large numbers. Housing in the Lower Marsh neighborhood (Athens, Banks streets) or in the Half Crown neighborhood (Gerry, Brewer, Revere streets) were substantially redeveloped in the 20th century with apartment blocks or institutional structures, including the Harvard houses.

In its development patterns, The Marsh reflects the manner in which immigrants gained a foothold of property ownership in an economic and social structure arrayed against them. Forced to establish themselves in marginal settings, such as The Marsh, early working class owners created opportunities for themselves and others by subdividing standard-sized lots to accommodate additional density and increase the number of housing units per property. The tight street patterns, modest houses, and small lots of The Marsh illustrate the urban working-class village structure that resulted from this accommodation.

The Marsh is also historically significant for its associations with Gardiner Hubbard, an influential civic leader in 19th-century Cambridge noted as a founder of several local utility companies and the first horsecar company in Boston, as a promoter of the telephone, and as the developer of portions of The Marsh as well as the adjoining Hubbard Park subdivision.

Architectural Significance

The Marsh is architecturally significant for the range of examples it provides of 19th and early 20th-century workers' and multiple-family housing as well as for individually notable buildings that include: the Lowell School (1883, the city's last surviving wood-frame school building; National Register, 1982); 259 Mount Auburn Street (ca. 1850; moved to site, 1866; National Register, 1982), a rare surviving early railroad station from the Watertown-Cambridge line of the Fitchburg Railroad; the Aaron Hill House (1754, moved and enlarged, 1867) at 17 Brown Street; and two of Cambridge's four examples of progressive planned housing, Shaler Lane (1926, Kilham, Hopkins & Greeley) and Gibson Terrace (1927, Kilham, Hopkins & Greeley).

Among the various types of workers' housing present in The Marsh are: high-brick basement one-and-a-half story, center hall cottages; two-room, center-hall cottages; Italianate and mansard double cottages; double houses; three-deckers; and double three-deckers. Among the notable examples of multi-family housing are: 72-74 Foster Street (1915; D. J. Vandyke, builder), an unusual Arts & Crafts style three decker with

a first floor storefront; and 27-29 Willard Street (1894; George Fogerty, architect), a Colonial Revival double house built by Jeremiah Sullivan.

In addition to the many multi-family houses in The Marsh there are also single-family houses of either historical or architectural significance. The neighborhood includes several houses either moved to the neighborhood or within the neighborhood; among these are 38 Bradbury Street, the Federal style William Bates House moved from 73 Brattle in 1875, and 114 Foster Street, John Gibson's Stick Style gardener's cottage, moved from across the street at 115 Foster Street. On Gibson and Kenway streets are a series of vernacular Queen Anne houses of the early 1890s built and designed by Somerville builders Suther, Edwin and William Blaikie and notable for the variety of materials employed on the basic gable-front, sidehall plan design. 9 Doane Street, at the end of Shaler Lane, is a fine example of Tudor Revival design (1927, William Duguid, architect).

B. Recommended Boundaries

The Study Committee has recommended that the original boundaries of the proposed Marsh NCD study area be adjusted to exclude several properties either at the margins of the study area or outside of the core development patterns of the neighborhood. In all instances where adjustments are recommended, the owners have voiced substantial opposition to inclusion in the NCD.

The boundaries as they were proposed for study encompassed the historic extent of the neighborhood as it developed after its subdivision in 1850. With the exception of three lots held by the Fosters and Daniel Brown (see Plan of a Part of the Craigie Estate in Cambridge), the proposed NCD is entirely contained within the 45-acre meadow purchased by Gardiner Hubbard for subdivision in 1849. Within the proposed NCD boundaries are 42 lots east of Sparks Street sold by Hubbard and redivided by subsequent owners into the small lots that characterize the study area. Also included is the remainder of the original Hubbard purchase west of Sparks Street which Hubbard retained and developed on his own with modest frame houses (see Gibson and Kenway streets).

As the study has concluded, objections to being included in the proposed NCD have been filed from three properties. Owners of property at 17 and 21 Lowell Street have requested that their properties be removed from the proposed district. In addition, the president of the Board of Trustees of the 205 Mount Auburn Street Condominium Association has written to convey the vote of the trustees seeking exclusion from the proposed NCD for the property at 205 Mount Auburn Street.

The 17 and 21 Lowell Street properties are located on the western edge of the study area. The properties contain houses built in 1928 when the original house on the lot, 19 Lowell Street, was moved on its site to allow subdivision and additional development. Seventeen and 21 Lowell are among the more recent houses built in the Marsh and are set back substantially from the street. The exclusion of 17 and 21 Lowell Street would eliminate two properties historically linked to the earliest

development of the neighborhood, but, as peripheral locations with later buildings, the integrity of the NCD boundaries would not be significantly affected. It is the study committee's recommendation to exclude the properties, identified as lots 51 and 53 of assessor's map 239.

The property at 205 Mount Auburn Street is located on the proposed NCD's main thoroughfare, Mount Auburn Street, and sits amidst a continuous row of buildings lining the north side of the street. The property, a 1929 apartment block, is zoned C-2 and currently exceeds the allowable FAR for the lot. In condominium ownership, the building is unlikely to be altered significantly on the exterior and is not likely to be redeveloped. It is the study committee's recommendation to exclude that property, identified as lot 176 of assessor's map 220.

The condominium association of the Riverview (221 Mount Auburn Street; 22-28 Bradbury Street) has also taken a position to be excluded from the proposed NCD. The association met on June 6, 2000 and voted 29-19 not to be included in the NCD proposal. The Riverview property is constrained by its condominium by-laws from undertaking major changes to the exterior of the buildings. It is the study committee's recommendation that the Riverview property (lot 165 of assessor's map 220) be excluded from the proposed NCD.

It is the study committee's further recommendation that lot 177 of map 220, identified as in the ownership of the Cambridge Redevelopment Authority, remain in the proposed NCD. It is critical that any future alteration, construction, or demolition on lot 177 of map 220, which was taken by eminent domain by the redevelopment authority, occur in the context of a public hearing.

C. Membership

In response to neighborhood comments, the study committee has recommended that a Marsh NCD Commission seek to include individuals with qualifications in addition to those required by ordinance in Article III. The committee has added a clause that at least one other member or alternate (in addition to those meeting required professional qualifications) have professional qualifications in landscape architecture, urban planning, law, or geotechnical engineering.

While it may prove difficult to find individuals qualified in the last profession, it was the sense of the public and the committee that individuals with geotechnical engineering qualifications should be sought. In view of recent projects that have intensified use of basement levels (both for living space and parking) and recognizing the potential effects of additional foundation and excavation on the water table and subsurface soil conditions of the Marsh, the committee determined that a future commission would be assisted in its decision-making if professional expertise in the area of geotechnical engineering could be made available.

D. Specific Standards and Appropriate Criteria

The study committee developed the “Specific Objectives and Principles for The Marsh NCD” in response to the neighborhood character poll and to comments made at committee meetings. The objectives and principles summarize the salient characteristics of the neighborhood that are to be applied in considering applications before a Marsh NCD Commission. They condense the distinctive architectural, historical and developmental attributes of the neighborhood into a set of guidelines against which the appropriateness or congruity of specific applications is to be judged. Additional specific factors for consideration of specific types of cases are also included.

In view of the neighborhood’s high water table and propensity for seasonal flooding, the study committee added factors addressing water table and subsoil conditions to the factors identified for construction of a new structure and demolition of an existing structure.

E. Review Authority

In a departure from the practice that has typified the city’s three existing neighborhood conservation districts, the Marsh NCD Study Committee has not recommended the inclusion of non-binding (advisory) categories of review for the proposed Marsh NCD. While this approach has not been adopted in Cambridge’s other NCDs, Article III, chapter 2.78.190 B. (the city’s enabling ordinance for NCD designation) anticipates that an NCD commission having jurisdiction “shall review all construction, demolition or alteration that affects the exterior architectural features, other than color, . . . within any neighborhood conservation district.”

It is the study committee’s recommendation that the “distinctive character [of the Marsh neighborhood] in terms of its exterior features” (ch. 2.78.180 A.) justifies binding review authority if that character is to be ‘preserved, conserved and protected’ as Article III intends. The distinctive character is described in the Specific Objectives and Principles and in this report. Among the most important features characterizing the Marsh are the small-scale, modest vernacular quality of the architecture and the tightly-developed nature of the setting. In both of these instances, minor alterations to building exteriors can be anticipated to have a significant impact, both on the fine-scale balance of simple exterior detailing that typifies vernacular wood frame construction and on the complex and intimate relationships between and among houses set in close proximity to one another. It was primarily in response to the fragility of these two balances, the one of architectural simplicity and the other of dense historical setting, that the study committee recommended the review procedure envisioned in section 190 A. of chapter 2.78.

In neighborhoods where houses are larger, more complex in massing or set more distantly from one another, it is more likely that minor additions or alterations to the exterior might be readily accommodated. In the Marsh, the buildings’ simplicity and

their proximity to one another indicate that alterations are more likely to affect both the individual building and its setting.

F. Exemptions

The Exemptions section of the proposed order identifies those types of alterations that may be undertaken without a public hearing before the NCD Commission. Alterations exempt from review are reviewed administratively by the staff of the Cambridge Historical Commission and approved through issuance of a Certificate of Non-Applicability upon presentation of a completed building permit application.

If a proposed alteration is NOT exempt that does not imply that it will not be approved; any of the categories of structures or architectural features identified in the Exemptions section can be pursued through application to the Commission.

Exempted from review by the NCD Commission are the following:

- grade level construction of terraces, walks, driveways that are not to be used for parking in front setbacks;
- walls and fences four feet high or lower;
- storm doors and windows, screens, window air conditioners, trelliswork or similar appurtenances;
- flat skylights or solar collectors that do not cover more than 1/3 of the roof in which they are installed;
- two or fewer intake or exhaust vents of less than one square foot per elevation;
- permanent exterior lighting installed so that direct light does not shine onto any adjacent property;
- removable chimney caps.

G. Coordination with Other Agencies and Boards

The proposed order calls for the NCD Commission to coordinate its reviews with other city agencies and boards. It is the intent of the study committee that the NCD Commission take a proactive role with regard to advising other city agencies and boards about the historic and architectural significance of the NCD; this would include encouraging coordination on such matters as street improvements and infrastructure, such as lighting, paving, and signage.

In addition, the proposed order calls for the NCD Commission to “call to the attention of appropriate governmental agencies apparent ongoing violations of provisions of codes or ordinances administered by those agencies.” It is the study committee’s intent that the NCD Commission advocate for the NCD as a whole in such matters as potential lapses in enforcement on zoning or other aspects of the municipal code.

As part of their canvassing effort, the Advisory Committee received consistent feedback from neighbors about traffic impacts on the neighborhood, particularly the use of specific streets (Lowell, Sparks, and Willard) as “cut-throughs” between Brattle and Mount Auburn streets. Additional concerns were raised about the speed of traffic on

the neighborhood's narrow streets. While an NCD is not a mechanism for independently resolving broad issues such as these, it is hoped that the presence of an NCD may provide a means of raising these issues on a coordinated neighborhood basis, by providing an ongoing forum for neighborhood concerns. For example, the NCD might serve as a setting within which traffic calming measures, consistent with the programmatic and budgetary constraints of the program, might be implemented. Given the historical development pattern of small, constricted streets, traffic issues will continue to be an important element of neighborhood character and quality of life.

H. Ordinary Maintenance and Repair

It is the study committee's intent that owners not be hindered or prevented from undertaking "ordinary maintenance, repair or replacement" of exterior features or structures that do not involve a "change in the design, material, or outward appearance" of those features or structures. It is the further intent of the study committee that it be clear that the terms of the proposed order cannot "prevent landscaping with plants, trees or shrubs."

I. Report to City Council

It is the study committee's intent that the Cambridge Historical Commission hold a public hearing no later than the fourth anniversary of the date of an Order establishing a Marsh NCD for the purpose of determining the opinion of neighborhood residents on the activities of the Marsh NCD Commission.

It is the intent of the study committee that such a hearing result in a report to the City Council and the City Manager summarizing those activities and making any recommendations the Historical Commission may have respecting amending the "powers, responsibilities and procedures" of the Marsh NCD Commission or the Marsh NCD order.

VI. Conclusion and Recommendations

It is the conclusion of the second Marsh NCD Study Committee that the Marsh NCD study area meets the criteria for designation as a Neighborhood Conservation District contained in Article III, ch. 2.78.180 A. of the Cambridge City Code: it is an area containing places and structures of importance to the architectural, cultural, and social history of the City, and which considered together constitutes a distinctive neighborhood which has a distinctive character in terms of its exterior features.

It is the recommendation of the Marsh NCD Study Committee that the Cambridge Historical Commission find that the proposed Marsh Neighborhood Conservation District meets the criteria for designation.

VII. Proposed Order: The Marsh Neighborhood Conservation District

As approved by The Marsh NCD Study Committee, October 19, 2000 and recommended for designation by the Cambridge Historical Commission, November 16, 2000

ORDERED: By order of the City Council of the City of Cambridge as follows:

I. Designation of The Marsh Neighborhood Conservation District.

Pursuant to section 2.78.190, B. of the Code of the City of Cambridge, there is hereby designated as a neighborhood conservation district The Marsh Neighborhood Conservation District having the boundaries set forth on the map entitled "The Marsh Neighborhood Conservation District" which District shall be administered by a commission to be known as "The Marsh Neighborhood Conservation District Commission" appointed by the City Manager pursuant to section 2.78.160, A. of the Code of the City of Cambridge. The reasons for the designation of the District are those set forth in the Final Report of The Marsh Neighborhood Conservation District Study Committee dated October 19, 2000 and accepted by the Cambridge Historical Commission on November 16, 2000, which reasons shall guide the Commission in its administration of the District.

II. Membership.

Pursuant to section 2.78.160, B., The Marsh Neighborhood Conservation District Commission (hereafter, the Commission) shall consist of five members and three alternates. The members shall include three residents of the neighborhood, not less than two of whom shall be homeowners; one neighborhood property owner (who may or may not be a neighborhood homeowner); and one member or alternate of the Cambridge Historical Commission. The three alternates shall all be neighborhood property owners. At least two of the members or alternates shall have professional qualifications in real estate, architecture, or historic preservation; and at least one other member or alternate shall have professional qualifications in landscape architecture, urban planning, law, or geotechnical engineering. The members of the Commission shall be appointed with regard to the diverse viewpoints expressed in the creation of the District.

III. Factors to be considered by the Commission.

The Commission shall apply the following guidelines and criteria in addition to those contained in section 2.78.220 A. and B. in considering applications for certificates of appropriateness, nonapplicability, and hardship in the Marsh Neighborhood Conservation District.

A. Specific Objectives and Principles for The Marsh Neighborhood Conservation District

The following objectives and principles are to be applied in considering applications for certificates of appropriateness or hardship. The Commission shall endeavor to:

1. Conserve the historic architectural character of the neighborhood, including the modest character that typifies the mid to late 19th-century workers' housing of the neighborhood, and the overall simplicity of its traditional wood-frame vernacular architecture.
2. Conserve the historic development patterns of the neighborhood, including its dense network of short, through-block streets, courts, and ways.
3. Conserve views through yards and between houses to maintain the pattern of visual layering that characterizes The Marsh's streetscapes while respecting the residential privacy of individual properties.
4. Allow for architectural diversity and individualized alterations while respecting the traditional small scale of the housing stock.
5. Encourage the planting of trees and greenery to enhance the landscape amenities of the neighborhood.
6. Encourage low fences to define the street edge while protecting views of houses and through yards.
7. Consider traffic impacts of proposed development as they may affect traditional street patterns and pedestrian activity.

B. General Criteria

All applications shall be considered in terms of the impact of the proposed new construction, demolition or alteration of an existing structure on the District as a whole, and in addition with regard to the following factors:

1. the architectural and historical significance of the structures on the site, if any;
2. the physical characteristics of the site, including but not limited to existing vegetation and topography; and
3. the potential adverse effects of the proposed construction, demolition, or alteration on the surrounding properties, and on the immediate streetscape.

C. Specific Factors to Be Considered

In addition to the General Criteria set forth in subsection 4. B. above, and consistent with the General Conservation Objectives and Principles set forth in subsection 4.A. above, the Commission shall base its decisions on the following specific factors when considering applications for appropriateness or hardship.

1. *Construction of a new structure.*

Review of the design of a proposed new structure or substantial addition to an existing structure shall be made with regard to the compatibility of the building with its surroundings, and the following elements of the proposal shall be among those considered:

- a. site layout;
- b. provisions for parking;
- c. volume and dimensions of the structure;
- d. provision for open space and landscaping;
- e. the scale of the structure in relation to its surroundings; and
- f. the effect on the water table or subsoil conditions of adjacent properties.

2. *Demolition of an existing structure.*

In evaluating an application to demolish a structure, the Commission shall review and consider the following factors:

- a. the architectural and historical significance of the structure of which any portion is to be demolished, giving recognition to its eligibility or listing on the National Register of Historic Places;

- b. the physical condition of the structure and its subsoil conditions if applicable;
- c. a claim of substantial hardship, financial or otherwise; and
- d. the design of the proposed replacement structure, if any.

3. Alteration to existing structures.

Review of proposed alterations to an existing structure (including alterations that may constitute or involve new construction or demolition, as to which, factors described in the preceding paragraphs 1. and 2. may also apply), and of all other features not exempted from review under Section IV. above, shall be made with regard to the following additional factors:

- a. the extent to which the integrity of the original design has been retained or previously diminished;
- b. the consistency of the proposed alteration with the character, scale, massing, and detailing of surrounding properties; and
- c. the proximity of adjacent surrounding structures.

IV. Review Authority.

Pursuant to section 2.78.190, B., the Commission shall review all construction, demolition or alteration that affects the exterior architectural features, other than color, within the neighborhood conservation district that is visible from any public way in Cambridge or in Boston. The authority of the Commission shall be binding except with regard to the categories of structures or exterior architectural features identified in Section V., Exemptions.

V. Exemptions.

The authority of the Commission shall not extend to the following categories of structures or exterior architectural features, and such structures or features may be constructed or altered without review by the Commission.

- A. Terraces, walks, driveways, sidewalks and similar structures substantially at grade level, provided, however, that they are not to be used for parking between

the street and either the principal front wall plane of a building or the principal front and side wall planes of a building that occupies a corner property.

B. Walls and fences four feet high or less as measured from the grade of the sidewalk or the surface of the ground immediately below the wall or fence, whichever grade is lower.

C. Storm doors and windows, screens, window air conditioners, trelliswork and similar appurtenances.

D. Flat skylights or solar collectors parallel to and in close contact with the plane of the roof provided that all new and existing skylights and collectors are not larger than one-third of the area of the roof plane in which they are installed.

E. Intake and exhaust vents of less than one square foot in area provided only that no more than two such vents are installed on an elevation.

F. Permanent exterior lighting provided that it is installed in a manner that will prevent direct light from shining onto any adjacent property.

G. Chimney caps provided they are installed in a manner that will allow their removal without altering the structure or appearance of the chimney.

VI. Determinations by the Commission.

The Commission shall make its determinations within 45 days after the filing of a complete application for a certificate of appropriateness, nonapplicability, or hardship, or such further time as the applicant may in writing allow.

Any completed application not acted upon within such period shall be deemed to be approved.

In no case shall a building permit be issued until the Commission has made a determination under the applicable provisions of Chapter 2.78, Article III of the Code of the City of Cambridge.

VII. Coordination with other agencies and boards.

The Board of Zoning Appeals, Commissioner of Inspectional Services, The Marsh Neighborhood Conservation District Commission, and other city boards, agencies and officials are directed to coordinate all review, hearing, permitting and other procedures

relative to physical changes with the District to the extent practicable, consistent with their respective responsibilities and with the Specific Objectives and Principles for the Marsh Neighborhood Conservation District, Section III, A. In addition, the Marsh Neighborhood Conservation District Commission shall call to the attention of appropriate governmental agencies apparent ongoing violations of provisions of codes or ordinances administered by those agencies.

VIII. Ordinary Maintenance and Repair.

Nothing in this Order shall be construed to prevent the ordinary maintenance, repair or replacement of any exterior architectural feature or structure within The Marsh Neighborhood Conservation District which does not involve a change in the design, material, or outward appearance thereof, nor to prevent landscaping with plants, trees or shrubs, nor construed to prevent the meeting of requirements certified by a duly authorized public officer to be necessary for public safety because of an unsafe or dangerous condition, nor construed to prevent any construction or alteration under a permit duly issued prior to the effective date of this Order.

IX. Report to City Council.

The Cambridge Historical Commission shall submit a report, not later than the fourth anniversary of the date of this Order, to the City Manager and the City Council summarizing the activities of The Marsh Neighborhood Conservation District Commission during the three years following the date of this Order. In preparing this report, the Cambridge Historical Commission shall hold a public hearing to determine the opinion of neighborhood residents. The report shall also submit any recommendations that the Historical Commission may have with respect to amending the powers, responsibilities and procedures of The Marsh Neighborhood Conservation District Commission and/or other provisions of this Order affecting The Marsh Neighborhood Conservation District.

Map

The Marsh Neighborhood Conservation District as recommended by the Marsh NCD Study Committee

(dated October 19, 2000)

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Appendices

1. Chapter 2.78, Article III

Section 2.78.139A Article III. Establishment of Neighborhood Conservation Districts and Protected Landmarks

Section 2.78.140 Purpose.

The City Council finds it necessary to enact this article under Section 6 of the Home Rule Amendment in order to preserve, conserve and protect the beauty and heritage of the City and to improve the quality of its environment through identification, conservation and maintenance of neighborhoods, areas, sites and structures which constitute or reflect distinctive features of the architectural, cultural, political, economic or social history of the City; to resist and restrain environmental influences adverse to this purpose; to foster appropriate use and wider public knowledge and appreciation of such neighborhoods, areas or structures; and by furthering these purposes to promote the public welfare by making the City a more attractive and desirable place in which to live and work. To achieve these purposes, the City may designate neighborhood conservation districts and landmarks to be administered as set forth in this article. (Ord. 1002 (part), 1983: prior code § 2-147(k) (1))

Section 2.78.150 Definitions for Article III.

In addition to the terms defined in Section 2.78.080 of this chapter, the following terms, when used whether or not capitalized in this subsection, shall have the meanings set forth in this section, unless the context otherwise requires:

- A. "Demolition" means the act of pulling down, destroying, removing or razing structures, or commencing the work of total or substantial destruction with the intent of completing the same.
- B. "Exterior architectural features" means and includes such portion of the exterior of a structure as is open to view from a public street, way, park or body of water, including but not limited to the architectural style and general arrangement and setting thereof, the kind, material and texture of exterior building materials, and the type and style of windows, doors, lights, signs and other appurtenant exterior fixtures.
- C. "Historic district" means an area so established under the authority of Chapter 40C of the General Laws.
- D. "Landmark" means any property within the City so designated in accordance with Section 2.78.180 of this article.

E. "Neighborhood conservation district" means any area within the City so designated in accordance with Section 2.78.180 of this article.

F. "Neighborhood conservation district commission" or "district commission" means a commission provided for by Section 2.78.160 of this article.

G. "Structure" means a combination of materials including a building, sign, fence, wall, terrace, walk, driveway, street, bridge, statue, monument or other manmade feature.

H. "Gross floor area" means the floor area so defined in Article 2.000 of the Zoning Ordinance of the City of Cambridge. (Ord. 1166 §§7, 16, 1995; Ord. 1002 (part), 1983: prior code § 2-147(k)(2))

Section 2.78.160 Neighborhood conservation district
commission--Established--Membership
requirements.

A. Upon designation as provided in Section 2.78.180 of this article of any neighborhood conservation district, and unless the designation provides that the Historical Commission itself shall exercise authority with respect thereto, the City Manager shall appoint a neighborhood conservation district commission to consist of five members and three alternates. The members shall include three residents of the neighborhood, not less than two of whom shall be homeowners; one neighborhood property owner (who may or may not be a neighborhood homeowner); and one member or alternate of the Cambridge Historical Commission. The three alternates shall all be neighborhood property owners. The neighborhood conservation district commission shall act solely in the exercise of those functions described in this article which are applicable to the district under its administration.

B. Any member or alternate of the Historical Commission may be appointed to a neighborhood conservation district commission for a term coterminous with such person's term as a member or alternate of the Historical Commission. Members and alternates of a neighborhood conservation district commission who are not members of the Historical Commission shall by reason of experience or education have demonstrable knowledge and concern for improvement, conservation and enhancement of the district, and at least two of the members or alternates shall have professional qualifications related to real estate or architecture or historic preservation. The members of the neighborhood conservation district commission shall be appointed by the City Manager with regard to the diverse viewpoints expressed in the creation of the district. Such members shall serve for a term of

three years, except that the initial appointments shall be for one member to serve one year and one member to serve two years, and vacancies shall be filled for the unexpired term of office. Each member and alternate shall continue in office after expiration of his or her term until a successor is duly appointed and qualified, except that no member shall serve more than two consecutive terms.

C. The neighborhood conservation district commission shall elect annually a Chairman and Vice-Chairman from its own number. In the case of absence, inability to act, or unwillingness to act because of self-interest on the part of a member, his or her place shall be taken by an alternate member designated by the Chairman, if available, otherwise by the Vice-Chairman if available, otherwise by a majority vote of the members and alternate members of the Commission present. The person exercising the function of Executive Director of the Historical Commission shall serve as secretary of each neighborhood conservation district commission. Persons serving as members or alternate members of a neighborhood conservation district commission shall, as a result of such service, be considered as "special municipal employees" for purposes of Chapter 268A of the General Laws. (Ord. 1166 §8, 1995; Ord. 1002 (part), 1983: prior code § 2-147(k)(3))

Section 2.78.170

The Historical Commission and each neighborhood conservation district commission shall have like powers, functions and duties with respect to each landmark and neighborhood conservation district over which it has jurisdiction as is provided Historic District Commissions under clauses (a) through (g) under Section 10 of Chapter 40C of the General Laws with respect to historic districts, including without limitation with respect to the approval and disapproval of certificates of appropriateness, nonapplicability and hardship, the dating and signing of such certificates, the keeping of records and adoption of rules and regulations, the filing with the City Clerk and Building Department of certificates and determinations of disapproval by it, and the determination of designs of appurtenances (excluding colors) which will meet the requirements of the landmark or neighborhood conservation district. (Ord. 1002 (part), 1983: prior code § 2-147(k) (9))

Section 2.78.180 Designation procedures.

A. The Historical Commission by majority vote may recommend for designation as a landmark any property within the City being or

containing a place, structure, feature or object which it determines to be either (1) importantly associated with one or more historic persons or events, or with the broad architectural, aesthetic, cultural, political, economic or social history of the City or the Commonwealth or (2) historically or architecturally significant (in terms of period, style, method of construction or association with a famous architect or builder) either by itself or in the context of a group of structures; may recommend for designation as a neighborhood conservation district any area within the City containing places and structures which it determines are of importance to the architectural, aesthetic, cultural, political, economic or social history of the City, and which considered together cause such area to constitute a distinctive neighborhood or to have a distinctive character in terms of its exterior features; and may recommend amendments to any designation of landmark or neighborhood conservation district theretofore made.

B. Prior to the recommendation of designation or amendment of designation of any landmark or neighborhood conservation district an investigation and report on the historical, architectural and other relevant significance thereof shall be made. The report shall recommend the boundaries of any proposed landmark or neighborhood conservation district and shall recommend for incorporation in the order of the City Council designating each landmark or neighborhood conservation district general and/or specific standards and appropriate criteria consistent with the purposes of this article and the provisions of Section 2.78.190 of this article that are to be applied in making any determination of the type referred to in Sections 2.78.170, 2.78.210 and 2.78.220 of this article, with respect to the designated landmark or within the designated neighborhood conservation district.

C. In the case of a landmark, the report shall be prepared by the Historical Commission. In the case of a neighborhood conservation district, the report shall be prepared by a study committee consisting of three members or alternates of the Historical Commission and four persons appointed by the City Manager, including at least one person who resides in the district under consideration, at least one person who owns property in the district under consideration, and one person who owns property or resides elsewhere in the City and has demonstrated knowledge and concern for conservation and enhancement of those exterior features of the City which are important to its distinctive character.

D. Any ten registered voters of the City may petition that the Historical Commission initiate, or the Historical Commission on its own may initiate, the process of designating a landmark or neighborhood conservation district or amending or rescinding any such designation theretofore made. The Commission shall within

forty-five days following the filing of such request or petition hold a preliminary hearing and arrange for the preparation of a report and, if required, request the appointment of a study committee. The Historical Commission shall not reconsider a proposed designation, amendment or rescission of designation within one year of its previous hearing thereon, unless two-thirds of all its members vote to do so. No later than forty-five days after the transmittal of a report to the Commission pertaining to a proposed designation, the Commission shall hold a public hearing. The Commission shall give not less than fourteen days notice of such public hearing by publication in a newspaper of general circulation in the City and by mailing notice thereof to the owner of the proposed landmark and to every owner abutting the proposed landmark or within the proposed neighborhood conservation district, each such owner to be determined from the then current records of the Assessing Department, and to the City Manager, the Planning Board and the City Clerk.

E. Prior to the public hearing, the Commission shall transmit copies of the report to the Planning Board for its consideration and recommendations.

F. The recommendation of the Historical Commission with regard to any designation, amendment or rescission shall be transmitted to the City Manager and to the City Clerk with a copy of the approved designation report. Designation of a landmark or a neighborhood conservation district or amendment or rescission of designation shall be by order of the City Council. In the case of a designation, the order shall include a statement of the reasons for such designation and a statement of standards which the Historical Commission or neighborhood conservation district commission is to apply under Sections 2.78.170 and 2.78.190 through 2.78.220 of this article.

G. No designation, amendment or rescission of designation shall become effective until a map setting forth the boundaries of the landmark or neighborhood conservation district or change in the boundaries thereof, has been filed with the City Council and has been recorded with the Registry of Deeds for the South District of Middlesex County.

H. If the order establishing or amending a neighborhood conservation district contains provisions for both regulatory and educational/incentive programs, the regulatory provisions of the order shall not be effective unless and until the educational/incentive provisions of the order are funded.

I. Following acceptance of a designation petition by the Historical Commission, no application for a building permit for new construction or alterations on the premises of a property being considered for designation shall be granted until reviewed by the

Commission as though the property were designated as a landmark or a neighborhood conservation district under this Article III. Beginning with the acceptance of a designation petition and until (a) the Historical Commission makes a negative recommendation on a proposed designation, (b) the City Council determines not to enact the proposed designation, or (c) one year has elapsed, whichever is less, the Commission shall review all proposed construction, demolition, or alteration that affects the exterior architectural features, other than color, of the structures on the premises of a proposed landmark or within a proposed neighborhood conservation district. (Ord. 1166 §§9, 10, 17, 18, 1995; Ord. 1009A (part), 1984; Ord. 1002 (part), 1983: prior code § 2-147(k)(4))

Section 2.78.190

A. Except as the order designating or amending a landmark or neighborhood conservation district may otherwise provide in accordance with this article, the Historical Commission or neighborhood conservation district commission having jurisdiction shall review all construction, demolition or alteration that affects the exterior architectural features, other than color, of any landmark or within any neighborhood conservation district.

B. The order designating or amending a landmark or neighborhood conservation district may provide that the authority of the Historical Commission or neighborhood conservation district commission having jurisdiction shall not extend to the review of one or more of the following categories of structures or exterior architectural features of the landmark or within the neighborhood conservation district in which event the structures or exterior architectural features so excluded may be constructed or altered without review by the Commission:

1. The application of exterior wall material in a manner that does not require the removal or enclosure of any cornice, fascia, soffit, bay, porch, hood, window or door casing, or any other protruding decorative element;
2. Alterations to the exterior of existing structures that do not increase or diminish the size and location of windows and doors, cause the removal of any bay, porch, hood, window or door casing or any other protruding decorative element, or alter the appearance of a roof;
3. The exterior appearance of a new structure that does not require a variance or special permit under the zoning ordinance then in effect;
4. Signs, temporary structures, lawn statuary, or recreational equipment, subject to such conditions as to duration of use,

dimension, location, lighting, removal and similar matters as the Commission may reasonably specify;

5. Terraces, walks, driveways, sidewalks and similar structures substantially at grade level;

6. Walls and fences;

7. Storm doors and windows, screens, window air conditioners, lighting fixtures, antennae, trelliswork and similar appurtenances.

C. The Historical Commission or a neighborhood conservation district commission may determine from time to time after a public hearing that certain categories of exterior architectural features or structures, including, without limitation, any of those enumerated in this section, if the provisions of the applicable order do not limit the authority of such commission with respect thereto, may be constructed or altered without review by such commission without causing substantial derogation from the intent and purposes of this article.

D. If the order establishing or amending a neighborhood conservation district provides, the determination of a neighborhood conservation district commission shall be binding only with regard to applications to construct a new building, to demolish an existing structure if a demolition permit is required, to construct a parking lot as a principal use, and to construct an addition to an existing structure that would increase its gross floor area, and in all other cases the determinations of a commission shall be advisory only and not binding on an applicant. In no case shall a building permit be issued until the commission has made a determination under the applicable provisions of this article. (Ord. 1002 (part), 1983: prior code § 2-147(k)(5))

Section 2.78.200 Maintenance, repair and reconstruction.

Nothing in this chapter shall be construed to prevent the ordinary maintenance, repair or replacement of any exterior architectural feature of a landmark or within a neighborhood conservation district which does not involve a change in design or material or the outward appearance thereof, nor to prevent landscaping with plants, trees or shrubs, nor construed to prevent the meeting of requirements certified by duly authorized public officer to be necessary for public safety because of an unsafe or dangerous condition, not construed to prevent any construction or alteration under a permit duly issued prior to the effective date of the order which designates that landmark or district, nor construed to prevent the reconstruction, substantially similar in exterior design, of a structure or exterior architectural feature damaged or destroyed by fire, storm or other disaster, provided such reconstruction is begun within one year thereafter and carried

forward with due diligence. (Ord. 1002 (part), 1983: prior code § 2-147(k) (6))

Section 2.78.210 Certificates of appropriateness,
nonapplicability or hardship.

A. Except as the order establishing or amending a landmark or neighborhood conservation district may otherwise provide, no structure designated a landmark or within a neighborhood conservation district shall be constructed or altered in any way that affects exterior architectural features unless the Historical Commission or neighborhood conservation district commission having jurisdiction shall first have issued a certificate of appropriateness, a certificate of nonapplicability or a certificate of hardship with respect to such construction or alteration.

B. Any person who desires to obtain a certificate from the Historical Commission or neighborhood conservation district commission shall file with the Commission an application for a certificate of appropriateness, a certificate of nonapplicability or a certificate of hardship, as the case may be, in such form as the commission may reasonably determine, together with such plans, elevations, specifications, material and other information, including in the case of demolition or removal a statement of the proposed condition and appearance of the property thereafter, as may be reasonably deemed necessary by the Commission to enable it to make a determination on the application.

C. No building permit for alteration of an exterior architectural feature of a landmark or construction of a structure or for alteration of an exterior architectural feature within a neighborhood conservation district and no demolition permit for demolition or removal of a landmark or of a structure within a neighborhood conservation district shall be issued by the City or any department thereof until the certificate required by this article has been issued by the Historical Commission or neighborhood conservation district commission having jurisdiction. (Ord. 1166 §§11, 12, 1995; Ord. 1002 (part), 1983: prior code § 2-147(k)(7))

Section 2.78.220 Factors considered by Commissions.

A. In passing upon matters before it, the Historical Commission or neighborhood conservation district commission shall consider, among other things, the historic and architectural value and significance of the site or structure, the general design, arrangement, texture and material of the features involved, and the relation of such features to similar features of structures in the surrounding area. In the case of new construction or additions to

existing structures a commission shall consider the appropriateness of the size and shape of the structure both in relation to the land area upon which the structure is situated and to structures in the vicinity, and a Commission may in appropriate cases impose dimensional and setback requirements in addition to those required by applicable provision of the zoning ordinance. A Commission shall not consider interior arrangements or architectural features not subject to public view.

B. A Commission shall not make any recommendation or requirement except for the purpose of preventing developments incongruous to the historic aspects, architectural significance or the distinctive character of the landmark or neighborhood conservation district. (Ord. 1002 (part), 1983: prior code § 2-147(k) (8))

Section 2.78.230 Public meetings and hearings.

The Historical Commission and each neighborhood conservation district commission shall adopt rules for the reasonable conduct of its meetings and public hearings, which rules shall not be inconsistent with the procedures provided for meetings of and hearings by historic district commissions under Section 11 of Chapter 40C of the General Laws; and in the absence of the adoption of any such rules, meetings and public hearings of the Historical Commission and of each neighborhood conservation district commission shall be in conformity with the provisions of Section 11 of Chapter 40C applicable to historic district commissions. (Ord. 1002 (part), 1983: prior code § 2-147(k) (10))

Section 2.78.240 Appeal procedure.

Any person aggrieved by a designation of a landmark or district may appeal to the superior court within thirty days after such designation. Any applicant aggrieved by a determination of a neighborhood conservation district commission or ten registered voters of the City opposing a determination under this article may appeal to the Historical Commission within twenty days after the filing of the notice of such determination with the City Clerk. The Historical Commission may overrule the determination and return it for reconsideration consistent with that finding. If the applicant is aggrieved by the determination of the Historical Commission, or if action is not taken by the Historical Commission within thirty days of filing for review, the applicant may appeal to the superior court. Appeal from a Historical Commission determination shall be taken

within thirty days of the formal decision; appeal from a failure to act shall be taken within sixty days after the filing for review. The superior court may reverse a determination if it is not supported by substantial evidence in the record. In all other respects, the appeal shall be made in the same manner as provided under Section 12A of Chapter 40C of the General Laws. (Ord. 1166 §13, 1995; Ord. 1002 (part), 1983: prior code § 2-147(k)(11))

Section 2.78.250 Historical Commission authority not limited.

No provisions of this article shall alter or diminish the duties and functions of the Historical Commission under the authority of Chapter 40, Section 8D and Chapter 40C of the General Laws, or apply to any historic district currently administered by such commission, or restrict the establishment of any future historic district under Chapter 40C of the General Laws. (Ord. 1002 (part), 1983: prior code § 2-147(k) (13))

Section 2.78.260 Limitation on applicability.

The provisions of Article II of this chapter (relative to procedures for demolition permits for significant buildings) shall not be applicable with respect to the demolition of any structure within a neighborhood conservation district if the appropriate neighborhood conservation district commission has issued a certificate of appropriateness or a certificate of hardship permitting the demolition of such structure. (Ord. 1002 (part), 1983: prior code § 2-147(k) (14))

Section 2.78.270

The Historical Commission and any neighborhood conservation district commission are each specifically authorized to institute any and all actions, proceedings in law and in equity, as they deem necessary and appropriate to obtain compliance with the requirements of this article or to prevent a threatened violation thereof. Any violation of any provision of this article may be punished to the like extent provided in Section 13 of Chapter 40C of the General Laws for a violation of said Chapter 40C. In addition to the foregoing, no building permit shall be issued, with respect to any premises upon which a landmark or a structure within any neighborhood conservation district has been voluntarily demolished otherwise than pursuant to a certificate granted after compliance with the provisions of this article, for a period of two years after the date of the completion of such demolition (the word "premises" for

the purposes of this sentence referring to the parcel of land upon which the demolished structure was located and all adjoining parcels of land under common ownership or control.) (Ord. 1002 (part), 1983: prior code § 2-147(k) (12))

2. Public Meetings and Attendance

3. Neighborhood Character Definition Results

Responses to Marsh Character Definition Poll 3/14/2000

As of March 14, 2000, the staff had received 12 responses to the 2/23 mailing asking for neighborhood input rating five attributes of neighborhood character. One response was a letter (attached) that did not rate the attributes so the poll includes 11 data points. The poll did not include a deadline; responses will continue to be accepted. Following is a summary of the respondents' ratings; the attributes are rated 3-“very important,” 2-“somewhat important,” and 1-“not important.”

Poll Responses

Question 1: The Marsh consists mainly of simple, wood-frame, gable-roofed 19th-century workers' cottages.

Rating				
Most Important	Somewhat Important	Not Important	Not Rated	
4	3	2	2	

Question 2: Houses in The Marsh have been individualized to create architectural variety while maintaining a traditionally-small scale.

Rating				
Most Important	Somewhat Important	Not Important	Not Rated	
7	3	0	1	

Question 3: The Marsh's tightly-developed network of streets and ways is offset by views through yards and by abundant trees and greenery.

Rating				
Most Important	Somewhat Important	Not Important	Not Rated	
6	5	0	0	

Question 4: Fences strongly define the street edge but high fences have begun to encroach on spaces between houses.

Rating				
Most Important	Somewhat Important	Not Important	Not Rated	
6	3	2	0	

Question 5: Houses set close to each other and the street create a strong sense of community.

Rating				
Most Important	Somewhat Important	Not Important	Not Rated	
3	3	3	2	

Comments in addition to ratings

Several respondents made additional comments as provided on the tear-off sheet. Some added comments or clarified the wording of the questions according to their perceptions of the attributes. The comments are as follows:

- “scale is the value most important to preserve”
- “high fences encroach on feelings of neighborhood from street”
- “the layout of streets and one way signs have prevented most parts of The Marsh from problems of speeding and traffic congestion”
- “fences have begun to encroach- changing the character of the area. Effort should be made to keep additions consistent with the style of the dwelling- trees and greenery contribute to the character”

Question 1: “yes!”

Question 2: “important”

Question 4: “High fences built without sensitivity can create a feeling of hostility & break up feeling of community”
 “. . . & also to cut houses completely off from the street- a fortress effect!”

Question 5: “it contributes to a strong sense of community but doesn’t alone “create” it”

Evaluating the responses

Questions 2, 3, and 4 (dealing with individualization of alterations within traditional scale, tight network of streets offset with views and trees, and encroachment of fences on character) received the strongest responses. Question 2 received the strongest “most important” response (7); Question 3 was the only question all respondents rated either “most” or “somewhat important.” Six respondents found Question 4 “most important” and it elicited the most expansive comments (2). Respondents seem to have been less concerned with Questions 1 and 5, which both received ratings evenly distributed over the range.

Conclusions

The responses suggest support for the following:

- respecting the process of individualized alteration of the traditional architecture of houses in The Marsh as long as small scale is preserved;
- respecting the tightly-developed nature of The Marsh as long as views through yards and trees and greenery are maintained;
- respecting the street edge definition that low fences provide while protecting views of houses and through yards from diminution by high fences.

4. Mailings to Property Owners

5. Postcard Poll Results

6. Historical Commission Vote

Cambridge Historical Commission
Public Hearing of November 16, 2000

CHC Members Present: Chair William B. King, Vice Chair Allison Crump, Suzanne Green, Wyllis B. Bibbins, Frank Shirley, Jennifer Jones, Bruce Irving, Jacob Albert

Staff Present: Charles M. Sullivan, Sarah Zimmerman

Neighborhood Conservation District Proceedings: Marsh NCD Study

Motion made by Vice Chair Crump that the Historical Commission accept the preliminary study report and authorize the staff to make the final corrections discussed at 11/16/00 hearing and to forward the final study report to the City Council, with a favorable recommendation, for enactment.

The motion was seconded by Ms. Jones.

Chair King designated alternate member Jennifer Jones to vote, and the motion passed in a vote of 7-0.